ATTACHMENT A

STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

June 20, 2008

NOTICE OF FILING
ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
State Office of Administrative Hearings and Rules (08-06-07)
Legislative Service Bureau (2004-007 EQ)
Department of Labor and Economic Growth
✓ Department of Environmental Quality

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 4:37 P.M. this date, administrative rule (08-06-07) for the Department of Environmental Quality "Part 2. Air Use Approval".

These rules take effect immediately after filing with the Secretary of State.

Sincerely,

Terri Lynn Land
Secretary of State

Robin Houston/cmh

Robin Houston, Office Supervisor
Office of the Great Seal

Enclosure

STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

December 20, 2016

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
State Office of Regulatory Reinvention (Administrative Rule #2014-153-EQ)
Legislative Service Bureau (Secretary of State Filing #16-12-10)
Department of Environmental Quality

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-153-EQ (Secretary of State Filing #16-12-10) on this date at 3:54 P.M. for the Department of Environmental Quality entitled, "Air Pollution Control, Part 1. General Provisions".

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Ruth Johnson
Secretary of State

Robin Houston /lw

Robin L. Houston, Departmental Supervisor
Office of the Great Seal

Enclosure

STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

December 20, 2016

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
State Office of Regulatory Reinvention (Administrative Rule #2014-154-EQ)
Legislative Service Bureau (Secretary of State Filing #16-12-11)
Department of Environmental Quality

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-154-EQ (Secretary of State Filing #16-12-11) on this date at 3:54 P.M. for the Department of Environmental Quality entitled, "Air Pollution Control, Part 2. Air Use Approval".

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Ruth Johnson
Secretary of State

Robin Houston/bw

Robin L. Houston, Departmental Supervisor
Office of the Great Seal

Enclosure

STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

January 2, 2019

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
State Office of Regulatory Reinvention (Administrative Rule #2017-068-EQ)
Legislative Service Bureau (Secretary of State Filing #19-01-05)
Department of Environmental Quality

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2017-068-EQ (Secretary of State Filing #19-01-05) on this date at 4:04 P.M. for the Department of Environmental Quality entitled, "Air Pollution Control – Part 2. Air Use Approval".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson
Secretary of State

Robin Houston /CK

Robin L. Houston, Departmental Supervisor
Office of the Great Seal

Enclosure

ATTACHMENT B

DEPARTMENT OF ENVIRONMENTAL QUALITY AIR

QUALITY DIVISION

AIR POLLUTION CONTROL

(By authority conferred on the director of environmental quality by sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and 324.5512, and Executive Reorganization Order Nos. 1995-16, 2009-31, and 2011-1, MCL 324.99903, 324.99919, and 324.99921)

PART 1. GENERAL PROVISIONS

R 336.1101 Definitions; A.

Rule 101. As used in these rules:

(q) "Aqueous based parts washer" means a tank containing liquid with a volatile organic compound content of less than 5 %, by weight, and at a temperature below its boiling point that is used to spray, brush, flush, or immerse metallic and/or plastic objects for the purpose of cleaning or degreasing.

R 336.1103 Definitions; C.

Rule 103. As used in these rules:

(aa) "Cold cleaner" means a tank containing organic solvent with a volatile organic compound content of 5 % or more, by weight, and at a temperature below its boiling point that is used to spray, brush, flush, or immerse metallic and/or plastic objects for the purpose of cleaning or degreasing.

DEPARTMENT OF ENVIRONMENTAL

QUALITY AIR QUALITY DIVISION

AIR POLLUTION CONTROL

((By authority conferred on the director of environmental quality by sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and 324.5512.

PART 2. AIR USE APPROVAL

R 336.1201a General permits to install.

Rule 201a. (1) The department may, after notice and opportunity for public participation pursuant to section 5511(3) of the act, issue a general permit to install covering numerous similar stationary sources or emission units. A general permit to install shall include terms and conditions which are necessary to assure that the stationary source or emission unit will comply with all applicable requirements and shall be consistent with the permit content requirements of R 336.1205(1)(a). The general permit

to install shall also identify criteria by which a stationary source or emission unit may qualify for the general permit to install. The department shall grant the terms and conditions of the general permit to install to stationary sources or emission units that qualify within 30 days of receipt by the department of a complete application. An applicant shall be subject to enforcement action if the department later determines that the stationary source or emission unit does not qualify for the general permit to install.

(2) An owner or operator of a stationary source or emission unit that would qualify for a general permit to install issued by the department pursuant to subrule (1) of this rule shall either apply for coverage under the terms of the general permit to install or apply for a permit to install consistent with R 336.1201. The department may require the use of application forms designed for use with a specific general permit to install issued by the department. The application forms shall include all information necessary to determine qualification for, and to assure compliance with, the general permit to install. Without repeating the public participation process pursuant to subrule (1) of this rule, the department may grant a request by a person for authorization to install and operate a stationary source or emission unit pursuant to a general permit to install.

(3) The department shall maintain, and make available to the public upon request, a list of the persons that have been authorized to install and operate a stationary source or emission unit pursuant to each general permit to install issued by the department.

R 336.1202 Waivers of approval.

Rule 202. (1) If the requirement for approval of a permit to install before construction will create an undue hardship to the applicant, the applicant may request a waiver to proceed with construction from the department. The application for a waiver shall be in writing, shall explain the circumstances that will cause the undue hardship, and shall be signed by the owner or his or her authorized agent. The application shall be acted upon by the department within 30 days. If a waiver is granted, the applicant shall submit pertinent plans and specifications for approval as soon as is reasonably practical. The applicant, after a waiver is granted, shall proceed with the construction at his or her own risk; however, operation of the equipment shall not be authorized until the application for a permit to install has been approved by the department. After construction, modification, relocation, or installation has begun or been completed, if the plans, specifications, and completed installations do not meet department approval, then the application for a permit to install shall be denied, unless the alterations required to effect approval are made within a reasonable time as specified by the department.

(2) The provisions of subrule (1) of this rule do not apply to any of the following:

(a) Any activity that is subject to R 336.2802, prevention of significant deterioration regulations, or R 336.2902, nonattainment new source review regulations. For the purpose of this subrule, "activity" means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.

(b) Construction or reconstruction of a major source of hazardous air pollutants subject to 40 C.F.R. part 63, national emission standards for hazardous air pollutants for source categories, adopted by reference in R 336.1902.

(c) Construction or modification subject to 40 C.F.R. part 61, national emission standards for hazardous air pollutants, adopted by reference in R 336.1902.

R 336.1203 Information required.

Rule 203. (1) An application for a permit to install shall include information required by the department on the application form or by written notice. This information may include, as necessary, any of the following:

(a) A complete description, in appropriate detail, of each emission unit or process covered by the application. The description shall include the size and type along with the make and model, if known, of the proposed process equipment, including any air pollution control equipment. The description shall also specify the proposed operating schedule of the equipment, provide details of the type and feed rate of material used in the process, and provide the capture and removal efficiency of any air pollution control devices. Applications for complex or multiple processes shall also include a block diagram showing the flow of materials and intermediate and final products.

(b) A description of any federal, state, or local air pollution control regulations which the applicant believes are applicable to the proposed process equipment, including a proposed method of complying with the regulations.

(c) A description in appropriate detail of the nature, concentration, particle size, pressure, temperature, and the uncontrolled and controlled quantity of all air contaminants that are reasonably anticipated due to the operation of the proposed process equipment.

(d) A description of how the air contaminant emissions from the proposed process equipment will be controlled or otherwise minimized.

(e) A description of each stack or vent related to the proposed process equipment, including the minimum anticipated height above ground, maximum anticipated internal dimensions, discharge orientation, exhaust volume flow rate, exhaust gas temperature, and rain protection device, if any.

(f) Scale drawings showing a plan view of the owner's property to the property lines and the location of the proposed equipment. The drawings shall include the height and outline of all structures within 150 feet of the proposed equipment and show any fence lines. All stacks or other emission points related to the proposed equipment shall also be shown on the drawings.

(g) Information, in a form prescribed by the department, that is necessary for the preparation of an environmental impact statement if, in the judgment of the department, the equipment for which a permit is sought may have a significant effect on the environment.

(h) Data demonstrating that the emissions from the process will not have an unacceptable air quality impact in relation to all federal, state, and local air quality standards.

(2) The department may require additional information necessary to evaluate or take action on the application. The applicant shall furnish all additional information, within 30 days of a written request by the department, except as provided by the following provisions:

(a) The applicant may request a longer period of time, in writing, specifying the reason why 30 days was not reasonable for submitting the information.

(b) The department may provide written notice to the applicant of an alternate time period for the submittal, either as part of the original request or upon the granting of an extension requested by the applicant.

(3) An applicant may reference a previously submitted permit application for the purpose of supplying a portion of the information required by this rule. Any reference to a previously submitted permit application shall clearly identify the permit application number assigned to the previous application by the department. If acceptable to the department, an applicant may also reference other previously submitted information for the purpose of supplying a portion of the information required by this rule.

R 336.1206 Processing of applications for permits to install.

Rule 206. (1) The department shall review an application for a permit to install for administrative completeness pursuant to R 336.1203(1) within 10 days of its receipt by the department. The department shall notify the applicant in writing regarding the receipt and completeness of the application.

(2) The department shall take final action to approve or deny a permit within 180 days of receipt of an application for a permit to install. The department shall take final action to approve or deny a permit to install subject to a public comment period pursuant to R 336.1205(1)(b) or section 5511(3) of the act within 240 days of receipt. If requested by the permit applicant, the department may extend the processing period beyond the applicable 180 or 240-day time limit. A processing period extension is effective after a formal agreement is signed by both the applicant and the department. However, a processing period shall not be extended under this subrule to a date later than 1 year after all information required pursuant to R 336.1203(1) and (2) has been received. Permit processing period extensions shall be reported as a separate category under section 5522(8)(b) of the act. The failure of the department to act on an application that includes all the information required pursuant to R 336.1203(1) and (2) within the time frames specified in this subrule may be considered a final permit action solely for the purpose of

obtaining judicial review in a court of competent jurisdiction to require that action be taken by the department without additional delay.

R 336.1207 Denial of permits to install.

Rule 207. (1) The department shall deny an application for a permit to install if, in the judgment of the department, any of the following conditions exist:

(a) The equipment for which the permit is sought will not operate in compliance with the rules of the department or state law.

(b) Operation of the equipment for which the permit is sought will interfere with the attainment or maintenance of the air quality standard for any air contaminant.

(c) The equipment for which the permit is sought will violate an applicable requirement of the clean air act, including any of the following:

(i) Standards of performance for stationary sources, 40 C.F.R. part 60, adopted by reference in R 336.1902.

(ii) National emission standards for hazardous air pollutants, 40 C.F.R. part 61, adopted by reference in R 336.1902.

(iii) The requirements of prevention of significant deterioration air quality, R 336.2801 to R 336.2819 and R 336.2823.

(iv) The requirements of nonattainment new source review, R 336.2901 to R 336.2903, R 336.2907, and R 336.2908.

(v) The requirements for control technology determinations for major sources in accordance with 40 C.F.R. §§63.40 to 63.44 and §§63.50 to 63.56, adopted by reference in R 336.1902.

(d) Sufficient information has not been submitted by the applicant to enable the department to make reasonable judgments as required by subdivisions (a) to (c) of this subrule.

(2) When an application is denied, the applicant shall be notified in writing of the reasons for the denial. A denial shall be without prejudice to the applicant's right to a hearing pursuant to section 5505(8) of the act or for filing a further application after revisions are made to meet objections specified as reasons for the denial.

R 336.1209 Use of old permits to limit potential to emit.

Rule 209. (1) A person may use a permit to install or a permit to operate issued before May 6, 1980, or a Wayne county permit issued before a delegation of authority to Wayne county pursuant to section 5523 of the act, to limit the potential to emit of a stationary source to a quantity less than the amount which would cause the stationary source to be subject to the requirements of R 336.1210 by complying with the requirements of subrule (2) of this rule, if the permit meets both of the following requirements:

(a) The permit contains emission limits that are less than the maximum emissions of the process or process equipment operating at full design capacity without air pollution control equipment, and the permit contains a production or operational limit consistent with the requirements of R 336.1205(1)(a).

(b) The potential to emit of the stationary source, including the emissions authorized by the permit, is less than the quantity of emissions that would cause the stationary source to be considered a major source pursuant to R 336.1211(1)(a).

(2) Except as provided by subrule (3) of this rule, a person shall meet both of the following requirements to use a permit to install or permit to operate issued before May 6, 1980, or a Wayne county permit issued before a delegation of authority to Wayne county pursuant to section 5523 of the act, to limit the potential to emit of a stationary source:

(a) Submit a written notice to the department, on a form provided by the department, of the intent that the terms and conditions of the permit to install, permit to operate, or the Wayne county permit be used to limit the potential to emit of the stationary source under the provisions of this rule. The written notice shall include a certification signed by the person that the stationary source, process, or process equipment is in full compliance with the permit to install, permit to operate, or the Wayne county permit.

(b) Maintain records, conduct monitoring, and submit reports as required by the permit and as required pursuant to any applicable requirement to show that the stationary source, process, or process equipment is operating in compliance with the terms and conditions of the permit and any applicable requirements.

(3) A person need not notify the department pursuant to subrule (2)(a) of this rule if the potential to emit of the stationary source, including the emissions authorized by the permit to install or permit to operate issued before May 6, 1980, or the Wayne county permit issued before a delegation of authority to Wayne county pursuant to section 5523

of the act, is less than 50% of the quantity that would cause the stationary source to be considered a major source pursuant to R 336.1211(1)(a).

R 336.1212 Administratively complete applications; insignificant activities; streamlining applicable requirements; emissions reporting and fee calculations.

Rule 212. (1) A timely and administratively complete application for a stationary source subject to the requirements of R 336.1210 shall meet the requirements of R 336.1210(2) and shall contain all information that is necessary to implement and enforce all applicable requirements that include a process-specific emission limitation or standard or to determine the applicability of those requirements.

(2) All of the following activities are considered to be insignificant activities at a stationary source and need not be included in an administratively complete application for a renewable operating permit:

(a) Repair and maintenance of grounds and structures.

(b) All activities and changes pursuant to R 336.1285(2)(a) to (f); however, if any compliance monitoring requirements in the renewable operating permit would be affected by the change, then application shall be made to revise the permit pursuant to R 336.1216.

(c) All activities and changes pursuant to R 336.1287(2)(f) to (h); however, if any compliance monitoring requirements in the renewable operating permit would be affected by the change, then application shall be made to revise the permit pursuant to R 336.1216.

(d) Use of office supplies.

(e) Use of housekeeping and janitorial supplies.

(f) Sanitary plumbing and associated stacks or vents.

(g) Temporary activities related to the construction or dismantlement of buildings, utility lines, pipelines, wells, earthworks, or other structures.

(h) Storage and handling of drums or other transportable containers that are sealed during storage and handling.

(i) Fire protection equipment, firefighting and training in preparation for fighting fires, pursuant to R 336.1310.

(j) Use, servicing, and maintenance of motor vehicles, including cars, trucks, lift trucks, locomotives, aircraft, or watercraft, except where the activity is subject to an applicable requirement. The applicable requirement or the emissions of those air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements may include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to

R 336.1211(1)(a)(ii). For the purpose of this subdivision, the maintenance of motor vehicles does not include painting or refinishing.

(k) Construction, repair, and maintenance of roads or other paved or unpaved areas, except where the activities are subject to an applicable requirement. The applicable requirement or the emissions of the air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii).

(l) Piping and storage of sweet natural gas, including venting from pressure relief valves and purging of gas lines.

(3) The following process or process equipment need not be included in an administratively complete application for a renewable operating permit, unless the process or process equipment is subject to applicable requirements that include a process- specific emission limitation or standard:

(a) Cooling and ventilation equipment listed in R 336.1280(2)(b) to (e).

(b) Cleaning, washing, and drying equipment listed in R 336.1281(2)(a) to (f) and (i) to (k).

(c) Electrically heated furnaces, ovens, and heaters listed in R 336.1282(2)(a) and equipment listed in R 336.1282(2)(c) to (f).

(d) Process and process equipment and other equipment listed in R 336.1283 not excluded in R 336.1283(3).

(e) Containers listed in R 336.1284(2)(a), (c), (d), (h), and (k) to (m).

(f) Miscellaneous equipment listed in R 336.1285(2)(h), (i), (k) to (t), (v) to (ii), (kk), and (ll) except for equipment listed in R 336.1285(2)(l)(vi)(C), (r)(iv), and (dd)(iii).

(g) All plastic processing equipment listed in R 336.1286.

(h) Surface coating equipment listed in R 336.1287(2)(b), (d), (e), (i), (j), and (k).

(i) All oil and gas processing equipment listed in R 336.1288.

(j) Asphalt and concrete production equipment listed in R 336.1289(2)(a) to (c).

(4) Unless subject to a process-specific emission limitation or standard, all of the following process or process equipment need only be listed in an administratively complete application for a renewable operating permit. The list shall include a description of the process or process equipment, including any control equipment pertaining to the process or process equipment, the source classification code, and a reference to the subdivision of this subrule that identifies the process or process equipment:

(a) Cooling and ventilation equipment listed in R 336.1280(2)(a).

(b) Cleaning, washing, and drying equipment listed in R 336.1281(2)(g) and (h).

(c) Fuel-burning furnaces, ovens, and heaters listed in R 336.1282(2)(a), (b), and (g).

(d) Containers listed in R 336.1284(2)(b), (e), (f), (g), (i), (j), and (n).

(e) Miscellaneous process or process equipment listed in R 336.1285(2)(g), (j), (1)(vi)(C), (r)(iv), (u), (w), (dd)(iii), (jj) and (mm).

(f) Surface-coating equipment listed in R 336.1287(2)(a) and (c).

(g) Concrete batch production equipment listed in R 336.1289(2)(d).

(h) Emission units that have limited emissions and meet the criteria in R 336.1290.

(i) Emission units that have limited emissions and meet the criteria in R 336.1291.

(5) As a part of an application for a renewable operating permit, a person may seek to establish that certain terms or conditions of a permit to install, permit to operate, or order entered pursuant to the act are not appropriate to be incorporated into the renewable operating permit or should be modified to provide for consolidation or clarification of the applicable requirements. An application for a renewable operating permit may include information necessary to demonstrate any of the following:

(a) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act is no longer an applicable requirement.

(b) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act should be modified to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the modification results in enforceable applicable requirements that are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.

(c) That the equipment should be combined into emission units different from the emission units contained in a permit to install, permit to operate, or order entered pursuant to the act to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the realignment of the emission units results in enforceable applicable requirements which are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.

(6) Beginning with the annual report of emissions required pursuant to R 336.202 and section 5503(k) of the act for the first calendar year after a stationary source becomes a major source as defined by R 336.1211(1)(a), each stationary source subject to the requirements of this rule shall report the emissions, or the information necessary to determine the emissions, of each regulated air pollutant. The information shall be submitted utilizing the emissions inventory forms provided by the department. For the purpose of this subrule, "regulated air pollutant" means all of the following:

(a) Nitrogen oxides or any volatile organic compound.

(b) A pollutant for which a national ambient air quality standard has been promulgated under the clean air act.

(c) A pollutant that is subject to any standard promulgated under section 111 of the clean air act.

(d) A class I or II substance that is subject to a standard promulgated under or established by title VI of the clean air act.

(e) A pollutant that is subject to a standard promulgated under section 112 or other requirements established under section 112 of the clean air act, except for pollutants regulated solely pursuant to section 112(r) of the clean air act. Pollutants subject to a standard promulgated or other requirements established under section 112 of the clean air act include both of the following:

(i) A pollutant that is subject to requirements under section 112(j) of the clean air act. If the administrator of the United States environmental protection agency fails to promulgate a standard by the date established pursuant to section 112(e) of the clean air act, any pollutant for which a stationary source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the clean air act.

(ii) A pollutant for which the requirements of section 112(g)(2) of the clean air act have been met, but only with respect to the specific stationary source that is subject to the section 112(g)(2) requirement.

(7) For the purpose of calculating the annual air quality fee pursuant to section 5522 of the act, the actual emissions of a fee-subject air pollutant from all process or process equipment shall be determined. However, the actual emissions of a fee-subject air pollutant from process or process equipment listed pursuant to subrules (2) to (4) of this rule need not be calculated unless either of the following provisions are met:

(a) The process or process equipment is subject to a process-specific emission limitation or standard for the specific fee-subject air pollutant.

(b) The actual emissions from the process or process equipment exceed 10% of significant, as defined in R 336.1119(e), for that air pollutant.

R 336.1214a Consolidation of permits to install within renewable operating permit.

Rule 214a. (1) The department shall issue a source-wide permit to install concurrent with each issuance and renewal of a renewable operating permit pursuant to R 336.1214 and each reissuance of a renewable operating permit pursuant to R 336.1217(2)(b). The source-wide permit to install shall be contained in the same document as the renewable operating permit. The source-wide permit to install shall specifically identify, consolidate, and incorporate all federally enforceable terms and conditions of existing permits to install into the renewable operating permit in accordance with the provisions of R 336.1212(5) and the permit content requirements of R 336.1213.

(2) The source-wide permit to install is updated whenever a new process-specific permit to install is incorporated into the renewable operating permit in accordance with the provisions of R 336.1216.

(3) Both of the following provisions apply to the incorporation of terms and conditions of a permit to install into a renewable operating permit:

(a) Within the renewable operating permit, each federally enforceable term or condition that originated in a permit to install shall be specifically identified with an applicable requirement citation of R 336.1201(1)(a). This citation is in addition to the R 336.1213(2)(a) underlying applicable requirement citation. Each term or condition of the renewable operating permit with an applicable requirement citation of R 336.1201(1)(a) shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule.

(b) A federally enforceable term or condition of a renewable operating permit shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule, if it can be reasonably demonstrated that the federally enforceable term or condition originated in a permit to install issued pursuant to R 336.1201. Each term or condition in a renewable operating permit issued before the effective date of this rule with any of the following underlying applicable requirements, identified pursuant to R 336.1213(2)(a), shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule:

(i) R 336.1201, R 336.1201a.

(ii) Title 40 C.F.R. §§63.40 to 63.44 and §§63.50 to 63.56, adopted by reference in R 336.1902.

(iii) R 336.1301(1)(c), R 336.1301(4), and R 336.1331(1)(c).

(iv) R 336.1403(4).

(v) R 336.1702, R 336.1705, R 336.1706, R 336.1708, R 336.1709, and R 336.1710.

(vi) R 336.2415.

(vii) Title 40 C.F.R. §52.21, adopted by reference in R 336.1902.

(viii) R 336.2801 to R 336.2819 and R 336.2823.

(ix) R 336.2901 to R 336.2903, R 336.2907, and R 336.2908.

(4) The source-wide permit to install replaces all existing permits to install, in accordance with R 336.1201(6)(b). Although the source-wide permit to install and the renewable operating permit are contained in the same document, the source-wide permit

to install maintains its own authority under section 5505 of the act. If the renewable operating permit expires or is voided, the source-wide permit to install remains in effect, unless the criteria of R 336.1201(6)(a) or (c) are met.

(5) State-only enforceable terms and conditions from a permit to install that have been incorporated into a renewable operating permit shall be considered terms and conditions of a state-only enforceable permit to install established pursuant to R 336.1201(2)(d). If the renewable operating permit later expires or is voided, the state- only enforceable permit to install does not expire, nor is it voided, unless the criteria of R 336.1201(6)(a) or (c) are met.

(6) Nothing in this rule shall relieve the requirement to obtain a permit to install pursuant to R 336.1201(1) for newly constructed, modified, reconstructed, or relocated process or process equipment that emits an air contaminant.

R 336.1216 Modifications to renewable operating permits.

Rule 216. (1) All of the following provisions apply to administrative permit amendments:

(a) An administrative permit amendment is a modification to a renewable operating permit that involves any of the following:

(i) A change that corrects typographical errors.

(ii) A minor administrative change at the stationary source.

(iii) A change that provides for more frequent monitoring or reporting.

(iv) A change in the ownership or operational control of a stationary source where the department determines that no other change in the permit is necessary, if a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new owner or operator has been submitted to the department. The new owner or operator shall also notify the department of any change in the responsible official or contact person regarding the renewable operating permit.

(v) A change that incorporates into the renewable operating permit the terms and conditions of a permit to install issued pursuant to R 336.1201, if the permit to install includes terms and conditions that comply with the permit content requirements contained in R 336.1213, the procedure used to issue the permit to install was substantially equivalent to the requirements of R 336.1214(3) and (4) regarding public participation and review by affected states, the process or process equipment is in compliance with, and no changes are required to, the terms and conditions of the permit to install that are to be incorporated into the renewable operating permit, and both of the following have occurred:

(A) A person has notified the department, in writing, within 30 days after completion of the installation, construction, reconstruction, relocation, or modification of the process or process equipment covered by the permit to install, unless a different time frame is specified by an applicable requirement and required by the permit to install.

(B) Upon completion of all testing, monitoring, and recordkeeping required by the terms and conditions of the permit to install, but not later than 12 months after the date of completion reported in subparagraph (A) of this paragraph unless a different time frame is specified in the permit to install, a person has requested that the contents of the permit to install be incorporated into the renewable operating permit as an administrative permit amendment. The request shall include all of the following:

(1) The results of all testing, monitoring, and recordkeeping performed by the person to determine the actual emissions from the process or process equipment and to demonstrate compliance with the terms and conditions of the permit to install.

(2) A schedule of compliance for the process or process equipment.

(3) A certification by the responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the request are true, accurate, and complete.

(b) An administrative permit amendment, for changes identified in subdivision (a)(i) to (iv) of this subrule, shall be reviewed and final action taken according to the following procedure:

(i) The department shall take final action to approve or deny the request for an administrative permit amendment within 60 days of the receipt of the request, unless the department requests additional information to clarify the request. If the department requests additional information, the department shall take final action within 60 days of the receipt of the additional information. Upon approval of the request, the change shall be incorporated into the renewable operating permit without providing notice to the public or affected states. The change shall be clearly designated as an administrative permit amendment.

(ii) Upon approval, the department shall transmit a copy of the administrative permit amendment to the person that requested the amendment and the United States environmental protection agency.

(iii) A person may implement the changes identified in the request for an administrative permit amendment, at the person's own risk, immediately upon submittal of the request to the department. After the change has been made, and until the department takes final action as specified in paragraph (i) of this subdivision, a person shall comply with both of the applicable requirements governing the change and the permit terms and conditions proposed in the application for the administrative amendment. If a person fails to comply with the permit terms and conditions proposed in the application for the administrative amendment during this time period, the terms and conditions contained in the renewable operating permit are enforceable.

(iv) The permit shield provided under R 336.1213(6) does not extend to administrative amendments made pursuant to subdivision (a)(i) to (iv) of this subrule.

(c) An administrative permit amendment, for changes identified in subdivision (a)(v) of this subrule, shall be reviewed and final action taken according to the following procedure:

(i) Within 60 days after receipt by the department of all the information required pursuant to subdivision (a)(v)(B) of this subrule, the department shall determine whether the information provides an acceptable demonstration of

compliance with the terms and conditions of the permit to install and shall transmit a copy of the information together with that determination and a proposed amended renewable operating permit to the United States environmental protection agency for a 45-day review period pursuant to 40 C.F.R. §70.8(c), adopted by reference in R 336.1902.

(ii) The department shall not take a final action to approve the administrative permit amendment if the administrator of the United States environmental protection agency objects to its approval, in writing, within 45 days of receipt by the United States environmental protection agency, of the information required in paragraph (i) of this subdivision. The department shall follow the procedure specified in 40 C.F.R. §70.8(c), adopted by reference in R 336.1902, in response to an objection by the administrator of the United States environmental protection agency.

(iii) A person may make the change authorized by the permit to install immediately after the permit to install has been approved by the department. After the change has been made, and until the department takes final action on the administrative permit amendment as specified in paragraph (ii) of this subdivision, the person shall comply with both the applicable requirements governing the change and the terms and conditions approved as a part of the permit to install. During this time period, the person may choose to not comply with the existing terms and conditions of the renewable operating permit that are modified by the permit to install. However, if the person fails to comply with the terms and conditions of the permit to install during this time period, the terms and conditions contained in the renewable operating permit are enforceable. The permit shield provided under R 336.1213(6) does not apply to the changes until the administrative permit amendment has been approved by the department.

(d) If the department denies the request for an administrative permit amendment, the department shall notify the person requesting the administrative permit amendment, in writing, that the request has been denied and the reasons for the denial. Any appeal of a denial by the department of an administrative permit amendment shall be pursuant to section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631. The denial of an administrative permit amendment pursuant to this rule is not a revocation of the permit to install.

(2) All of the following provisions apply to minor permit modifications:

(a) A minor permit modification is a change to a renewable operating permit for which none of the following provisions apply:

(i) The change would violate any applicable requirement.

(ii) The change would significantly affect any existing monitoring, reporting, or recordkeeping requirements contained in the renewable operating permit.

(iii) The change would require or affect any of the following:

(A) A case-by-case determination of a federally enforceable emission limitation or other standard.

(B) For temporary sources, a source-specific determination of ambient impacts.

(C) A visibility or increment analysis.

(iv) The change would seek to establish or affect a federally enforceable term or condition in the renewable operating permit for which there is no

corresponding underlying applicable requirement and that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject. Following are examples of the terms and conditions described in this paragraph:

(A) An emissions cap assumed to avoid classification as a modification under any applicable provision of title I of the clean air act.

(B) An alternative emissions limit adopted by the stationary source as part of an early reduction program pursuant to section 112(i)(5) of the clean air act.

(v) The change is defined as a major offset modification or a modification under any applicable requirement of sections 111 or 112, or part C of title I of the clean air act. A minor permit modification includes a change authorized by a permit to install issued pursuant to R 336.1201, if the permit to install includes terms and conditions that comply with the permit content requirement of R 336.1213 and none of the provisions of this subrule apply.

(b) An application requesting a minor permit modification shall contain reasonable responses to all requests for information in the minor permit modification application forms required by the department, including all of the following information:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(ii) The proposed changes to the terms and conditions of the renewable operating permit that the person applying for the minor permit modification believes are adequate to address the change and any new applicable requirements.

(iii) A certification by the responsible official which states that the proposed modification meets the criteria for use of minor permit modification procedures and that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete.

(iv) Completed forms, supplied by the department, for the department to use to notify the United States environmental protection agency and any affected states.

(c) A minor permit modification shall be reviewed and final action taken according to the following procedure:

(i) Within 5 working days of receipt by the department of an application for a minor permit modification that meets the requirements of subdivision (b) of this subrule, the department shall notify the United States environmental protection agency and any affected states of the requested minor permit modification.

(ii) The department shall notify the administrator of the United States environmental protection agency and the affected state, in writing, of any refusal by the department to accept any recommendations for the minor permit modification that the affected state submitted to the department during the time period for review specified in paragraph (iii) of this subdivision and before final action has been taken on the minor permit modification. The notice shall include the department's reasons for not accepting any recommendation. The department

is not required to accept recommendations that are not based on applicable requirements.

(iii) The department shall not issue a final minor permit modification until after the United States environmental protection agency's 45-day review period or until the United States environmental protection agency has notified the department that the agency will not object to issuance of the minor permit modification. Within 90 days of the department's receipt of an application for a minor permit modification, or 15 days after the end of the United States environmental protection agency's 45-day review period, whichever is later, the department shall take 1 of the following actions and notify, in writing, the person applying for the minor permit modification of that action:

(A) Approve the permit modification as proposed.

(B) Revise the draft minor permit modification, with the consent of the person applying for the minor permit modification, and transmit the revised draft minor permit modification to the United States environmental protection agency. Transmittal of a revised draft minor permit modification to the United States environmental protection agency restarts the 45-day review period specified in this paragraph.

(C) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures. The notification by the department shall specify why the request does not meet the criteria for a minor permit modification.

(D) Deny the permit modification application for cause. The notification by the department shall specify the reasons for the denial. Any appeal of a denial by the department of a minor permit modification shall be pursuant to section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631.

(d) A person may make the change proposed in the application for a minor permit modification, at the person's own risk, immediately after the department has received the application. After the change has been made, and until the department takes final action as specified in subdivision (c)(iii)(A) to (C) of this subrule, a person shall comply with both of the applicable requirements governing the change and the permit terms and conditions proposed in the application for the minor permit modification. During this time period, a person may choose to not comply with the existing permit terms and conditions that the application for a minor permit modification seeks to modify. However, if the person fails to comply with the permit terms and conditions proposed in the application for the minor permit modification during this time period, the terms and conditions contained in the renewable operating permit are enforceable.

(e) Notwithstanding the restrictions of subdivision (a) of this subrule, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that the approaches have been approved by the administrator of the United States environmental protection agency as a part of Michigan's state implementation plan. The approaches shall identify the specific modifications that can be made using the minor permit modification procedures.

(f) The permit shield under R 336.1213(6) shall not extend to minor permit modifications.

(3) All of the following provisions apply to significant modifications:

(a) A significant modification is a modification to a renewable operating permit which is not an administrative permit amendment pursuant to subrule (1) of this rule, or is not a minor permit modification pursuant to subrule (2) of this rule, and which involves any of the following changes, unless the change is allowed under the terms and conditions of a permit to install that has been approved by the department pursuant to the requirements of subrule (1)(a)(v) of this rule:

(i) A modification under any applicable provision of title I of the clean air act.

(ii) Except as provided pursuant to subrule (1)(c)(iii) of this rule, any change that would result in emissions that exceed the emissions allowed under the renewable operating permit. The emissions allowed under the permit include any emission limitation, production limit, or operational limit, including a work practice standard, required by an applicable requirement, or any emission limitation, production limit, or operational limit, including a work practice standard, that establishes an emissions cap that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(iii) The change would significantly affect an existing monitoring, recordkeeping, or reporting requirement included in the renewable operating permit.

(iv) The change would require or modify a case-by-case determination of an emission limitation or other standard, a source-specific determination of ambient air impacts for temporary sources, or a visibility or increment analysis.

(v) The change would seek to establish or modify an emission limitation, standard, or other condition of the renewable operating permit that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(b) An administratively complete application for a significant permit modification shall be limited to address only the process and process equipment that will be affected by the change.

(c) The terms and conditions of a significant permit modification shall meet all the permit content requirements of R 336.1213 for the process and process equipment affected by the change.

(d) The procedure for taking final action on significant permit modification shall follow the requirements of R 336.1214, except that final actions on significant permit modifications shall be taken within 9 months of the receipt by the department of an administratively complete application.

(e) If a significant permit modification is denied, the department shall notify, in writing, the person applying for the modification. The notification of denial shall specify the reasons for the denial. Any appeal of a denial by the department of a significant permit modification shall be pursuant to section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631.

(4) All of the following provisions apply to state-only modifications:

(a) A state-only modification to a renewable operating permit involves changes to terms and conditions in the renewable operating permit that are designated as not enforceable under the clean air act pursuant to R 336.1213(5). If the change results in new applicable requirements that must be enforceable under the clean air act, then the

change shall not be a state-only modification.

(b) An application requesting a state-only modification shall contain reasonable responses to all requests for information in the application forms required by the department, including all of the following information:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(ii) The proposed changes to the terms and conditions of the renewable operating permit that the person applying for the state-only modification believes are adequate to address the change and any new applicable requirements.

(iii) A certification by the responsible official which states that the proposed modification meets the criteria for use of the state-only modification procedures and that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete.

(c) A state-only modification shall be reviewed and final action taken within 90 days of the department's receipt of an application for the state-only modification. The department shall take 1 of the following actions and notify, in writing, the person applying for the state-only modification of that action:

(i) Approve the state-only modification as proposed.

(ii) Revise the draft state-only modification, with the consent of the person applying for the modification, and approve the revised modification.

(iii) Determine that the requested modification does not meet the criteria for a state- only modification and should be reviewed pursuant to subrule (1), (2), or (3) of this rule. The notification by the department shall specify why the request does not meet the criteria for a state-only modification.

(iv) Deny the state-only modification application for cause. The notification by the department shall specify the reasons for the denial. Any appeal of a denial by the department of a state-only modification shall be pursuant to section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631.

(d) A person may make the change proposed in the application for a state-only modification, at the person's own risk, immediately after the application has been received by the department. After the change has been made, and until the department takes final action as specified in subdivision (c)(i) to (iv) of this subrule, the person shall comply with both the applicable requirements governing the change and the permit terms and conditions proposed in the application for the minor permit modification. During this time period, the person may choose, at the person's own risk, to not comply with the existing permit terms and conditions that the application for a state-only modification seeks to modify. However, if the person fails to comply with the permit terms and conditions proposed in the application for the state-only modification during this time period, or if the state-only modification is denied by the department, the terms and conditions contained in the renewable operating permit are enforceable.

(e) The permit shield provided under R 336.1213(6) does not apply to the state-only modification until the changes have been approved by the department.

R 336.1219 Amendments for change of ownership or operational control.

Rule 219. (1) A person may notify the department, in writing, of a change in ownership or operational control of a stationary source or emission unit authorized by a permit to install or a permit to operate. The notification shall include all of the following

information:

(a) A description of the stationary source or emission unit affected by the change and a listing of the permits involved in the request.

(b) An identification of the new owner or operator and a specific date for the transfer of responsibility, coverage, and liability.

(c) A written statement by the new owner or operator of the stationary source or emission unit that the terms and conditions of the permit to install or permit to operate are understood and accepted. Acceptance of the terms and conditions of a permit does not affect the person's ability to subsequently request a modification to the permit to install or permit to operate pursuant to R 336.1201. The new owner or operator shall also notify the department of any change in the contact person regarding the permit.

(2) A change in ownership or operational control of a stationary source or emission unit covered by a renewable operating permit shall be made pursuant to R 336.1216(1).

R 336.1220 Rescinded.

R 336.1240 Required air quality models.

Rule 240. All air quality modeling demonstrations required by 40 C.F.R. §52.21, adopted by reference in R 336.1902, or part 18 or 19 of these rules, or used to support or amend the state implementation plan shall be made in accordance with the models and procedures in 40 C.F.R. §51.160(f) and appendix W to 40 C.F.R. part 51, adopted by reference in R 336.1902.

R 336.1241 Air quality modeling demonstration requirements.

Rule 241. All air quality modeling demonstrations required by the department that are not subject to R 336.1240 shall follow the procedures and methods referenced in R 336.1240, except the demonstration may be based on the maximum ambient predicted concentration using the most recent calendar year of meteorological data from a representative national weather service, federal aviation administration station, or site specific measurement station.

R 336.1278 Exclusion from exemption.

Rule 278. (1) The exemptions specified in R 336.1280 to R 336.1291 do not apply to either of the following:

(a) Any activity that is subject to prevention of significant deterioration of air quality regulations or new source review for major sources in nonattainment areas regulations.

(b) Any activity that results in an increase in actual emissions greater than the significance levels defined in R 336.1119. For the purpose of this rule, "activity" means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.

(2) The exemptions specified in R 336.1280 to R 336.1291 do not apply to the construction of a new major source of hazardous air pollutants or reconstruction of a major source of hazardous air pollutants, as defined in 40 C.F.R. §63.2 and subject to §63.5(b)(3), national emission standards for hazardous air pollutants, adopted by reference in R 336.1902.

(3) The exemptions specified in R 336.1280 to R 336.1291 do not apply to a construction or modification as defined in and subject to 40 C.F.R. part 61, national emission standards for hazardous air pollutants, adopted by reference in R 336.1902.

(4) The exemptions in R 336.1280 to R 336.1291 apply to the requirement to obtain a permit to install only and do not exempt any source from complying with any other applicable requirement or existing permit limitation.

R 336.1285 Permit to install exemptions; miscellaneous.

Rule 285. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Routine maintenance, parts replacement, or other repairs that are considered by the department to be minor, or relocation of process equipment within the same geographical site not involving any appreciable change in the quality, nature, quantity, or impact of the emission of an air contaminant therefrom. Examples of parts replacement or repairs considered by the department to be minor include the following:

(i) Replacing bags in a baghouse.

(ii) Replacing wires, plates, rappers, controls, or electric circuitry in an electrostatic precipitator that does not measurably decrease the design efficiency of the unit.

(iii) Replacement of fans, pumps, or motors that does not alter the operation of a source or performance of air pollution control equipment.

(iv) Boiler tubes.

(v) Piping, hoods, and ductwork.

(vi) Replacement of engines, compressors, or turbines as part of a normal maintenance program.

(b) Changes in a process or process equipment which do not involve installing, constructing, or reconstructing an emission unit and which do not involve any meaningful change in the quality and nature or any meaningful increase in the quantity of the emission of an air contaminant therefrom.

(i) Examples of such changes in a process or process equipment include, but are not limited to, the following:

(A) Change in the supplier or formulation of similar raw materials, fuels, or paints and other coatings.

(B) Change in the sequence of the process.

(C) Change in the method of raw material addition.

(D) Change in the method of product packaging.

(E) Change in temperature, pressure, or other similar operating parameters that do not affect air cleaning device performance.

(F) Installation of a floating roof on an open top petroleum storage tank.

(G) Replacement of a fuel burner in a boiler with an equally or more thermally efficient burner.

(H) Lengthening a paint drying oven to provide additional curing time.

(c) Changes in a process or process equipment that do not involve installing, constructing, or reconstructing an emission unit and that involve a meaningful change in the quality and nature or a meaningful increase in the quantity of the emission of an air

contaminant resulting from any of the following:

(i) Changes in the supplier or supply of the same type of virgin fuel, such as coal, no. 2 fuel oil, no. 6 fuel oil, or natural gas.

(ii) Changes in the location, within the storage area, or configuration of a material storage pile or material handling equipment.

(iii) Changes in a process or process equipment to the extent that such changes do not alter the quality and nature, or increase the quantity, of the emission of the air contaminant beyond the level which has been described in and allowed by an approved permit to install, permit to operate, or order of the department.

(d) Reconstruction or replacement of air pollution control equipment with equivalent or more efficient equipment.

(e) Installation, construction, or replacement of air pollution control equipment for an existing process or process equipment for the purpose of complying with the national emission standards of hazardous air pollutants regulated under section 112 of the clean air act.

(f) Installation or construction of air pollution control equipment for an existing process or process equipment if the control equipment itself does not actually generate a significant amount of criteria air contaminants as defined in R 336.1119(e) or a meaningful increase in the quantity of the emissions of toxic air contaminants or a meaningful change in the quality and nature of toxic air contaminants.

(g) Internal combustion engines that have less than 10,000,000 Btu/hour maximum heat input.

(h) Vacuum pumps in laboratory or pilot plant operations.

(i) Brazing, soldering, welding, or plasma coating equipment.

(j) Portable torch cutting equipment that does not cause a nuisance or adversely impact surrounding areas and is used for either of the following:

(i) Activities performed on a non-production basis, such as maintenance, repair, and dismantling.

(ii) Scrap metal recycling and/or demolition activities that have emissions that are released only into the general in-plant environment and/or that have externally vented emissions equipped with an appropriately designed and operated enclosure and fabric filter.

(k) Grain, metal, or mineral extrusion presses.

(l) The following equipment and any exhaust system or collector exclusively serving the equipment:

(i) Equipment used exclusively for bending, forming, expanding, rolling, forging, pressing, drawing, stamping, spinning, or extruding either hot or cold metals.

(ii) Die casting machines.

(iii) Equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions.

(iv) Atmosphere generators used in connection with metal heat treating processes.

(v) Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal-bearing ores, metal scale, clay, flyash, or metal compounds.

(vi) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals, graphite, plastics, concrete, rubber,

paper board, wood, wood products, stone, glass, fiberglass, or fabric which meets any of the following:

(A) Equipment used on a nonproduction basis.

(B) Equipment that has emissions that are released only into the general in-plant environment.

(C) Equipment that has externally vented emissions controlled by an appropriately designed and operated fabric filter collector that, for all specified operations with metal, is preceded by a mechanical precleaner.

(vii) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy, including any of the following:

(A) Blueprint machines.

(B) Photocopiers.

(C) Mimeograph machines.

(D) Photographic developing processes.

(E) Microfiche copiers.

(viii) Battery charging operations.

(ix) Pad printers.

(m) Lagoons, process water treatment equipment, wastewater treatment equipment, and sewage treatment equipment, except for any of the following:

(i) Lagoons and equipment primarily designed to treat volatile organic compounds in process water, wastewater, or groundwater, unless the emissions from the lagoons and equipment are only released into the general in-plant environment.

(ii) Sludge incinerators and dryers.

(iii) Heat treatment processes.

(n) Livestock and livestock handling systems from which the only potential air contaminant emission is odorous gas.

(o) Equipment for handling and drying grain on a farm.

(p) Commercial equipment used for grain unloading, handling, cleaning, storing, loading, or drying in a column dryer that has a column plate perforation of not more than 0.094 inch or a rack dryer in which exhaust gases pass through a screen filter no coarser than 50 mesh.

(q) Portable steam deicers that have a heat input of less than 1,000,000 Btus per hour.

(r) Equipment used for any of the following metal treatment processes if the process emissions are only released into the general in-plant environment:

(i) Surface treatment.

(ii) Pickling.

(iii) Acid dripping.

(iv) Cleaning.

(v) Etching.

(vi) Electropolishing.

(vii) Electrolytic stripping or electrolytic plating.

(s) Emissions or airborne radioactive materials specifically authorized pursuant to a United States nuclear regulatory commission license.

(t) Equipment for the mining, loading, unloading, and screening of uncrushed sand, gravel, soil, and other inorganic soil-like materials.

(u) Solvent distillation and antifreeze reclamation equipment that has a rated batch capacity of not more than 55 gallons.

(v) Any vapor vacuum extraction soil remediation process where vapor is treated in a control device and all of the vapor is reinjected into the soil such that there are no emissions to the atmosphere during normal operation.

(w) Air strippers controlled by an appropriately designed and operated dual stage carbon adsorption or incineration system that is used exclusively for the cleanup of gasoline, fuel oil, natural gas condensate, and crude oil spills, provided the following conditions are met:

(x) For dual stage carbon adsorption, the first canister of the dual stage carbon adsorption is monitored for breakthrough at least once every 2 weeks and replaced if breakthrough is detected.

(ii) For incineration, a thermal oxidizer (incinerator) is operated at a minimum temperature of 1,400 degrees Fahrenheit in the combustion chamber and a catalytic oxidizer is operated at a minimum temperature of 600 degrees Fahrenheit at the inlet of the catalyst bed. A temperature indication device which continually displays the operating temperature of the oxidizer must be installed, maintained, and operated in accordance with the manufacturer's specifications.

(x) Any asbestos removal or stripping process or process equipment.

(y) Ozonization process or process equipment.

(z) Combustion of boiler cleaning solutions that were solely used for or intended for cleaning internal surfaces of boiler tubes and related steam and water cycle components if the solution burned is not designated, by listing or specified characteristic, as hazardous pursuant to federal regulations or state rules.

(aa) Landfills and associated flares and leachate collection and handling equipment.

(bb) A residential, municipal, commercial, or agricultural composting process or process equipment.

(cc) Gun shooting ranges controlled by appropriately designed and operated high- efficiency particulate filters.

(dd) Equipment for handling, conveying, cleaning, milling, mixing, cooking, drying, coating, and packaging grain-based food products and ingredients which meet any of the following:

(i) Equipment is used on a nonproduction basis.

(ii) Equipment has emissions that are released only into the general in-plant environment.

(iii) Equipment has externally vented emissions controlled by baghouse, cyclone, rotoclone, or scrubber which is installed, maintained, and operated in accordance with the manufacturer's specifications or the owner or operator shall develop a plan that provides to the extent practicable for the maintenance and operation of the equipment in the manner consistent with good air pollution control practices for minimizing emissions. The air cleaning device shall be equipped with a device to monitor appropriate indicators of performance, for example, static pressure drop, water pressure, and water flow rate.

(ee) Open burning as specified in R 336.1310.

(ff) Fire extinguisher filling, testing, spraying, and repairing.

(gg) Equipment used for chipping, flaking, or hogging wood or wood residues that are not demolition waste materials.

(hh) A process that uses only hand-held aerosol spray cans, including the puncturing and disposing of the spray cans.

(ii) Fuel cells that use phosphoric acid, molten carbonate, proton exchange

membrane, or solid oxide or equivalent technologies.

(jj) Any vacuum truck used at a remediation site as a remedial action method, such as non-emergency response, used in a manner described by any of the following:

(i) It is not used more than 2 days in a month without organic compound emission control.

(ii) It is not used more than 6 days in a month and organic compound emissions are controlled with at least 90% efficiency.

(iii) The composition of the material being removed is greater than 90% water.

(kk) Air sparging systems where the sparged air is emitted back to the atmosphere only by natural diffusion through the contaminated medium and covering soil or other covering medium.

(ll) Air separation or fractionation equipment used to produce nitrogen, oxygen, or other atmospheric gases.

(mm) Routine and emergency venting of natural gas from transmission and distribution systems or field gas from gathering lines which meet any of the following:

(i) Routine or emergency venting of natural gas or field gas in amounts less than or equal to 1,000,000 standard cubic feet per event. For purposes of this rule, an emergency is considered an unforeseen event that disrupts normal operating conditions and poses a threat to human life, health, property or the environment if not controlled immediately.

(ii) Venting of natural gas in amounts greater than 1,000,000 standard cubic feet for routine maintenance or relocation of transmission and distribution systems provided that both of the following requirements are met:

(A) The owner or operator notifies the department prior to a scheduled pipeline venting.

(B) The venting includes, at a minimum, measures to assure safety of employees and the public, minimize impacts to the environment, and provide necessary notification in accordance with the Michigan gas safety standards, the federal pipeline and hazardous materials safety administration standards, and the federal energy regulatory commission standards, as applicable.

(iii) Venting of field gas in amounts greater than 1,000,000 standard cubic feet for routine maintenance or relocation of gathering pipelines provided that both of the following are met:

(A) The owner or operator notifies the department prior to a scheduled pipeline venting.

(B) The venting includes, at a minimum, measures to assure safety of employees and the public, minimize impacts to the environment, and provide necessary notification in accordance with the Michigan department of environmental quality, office of oil, gas and minerals, and the Michigan public service commission standards, as applicable.

(iv) Emergency venting of natural gas or field gas in amounts greater than 1,000,000 standard cubic feet per event, provided that the owner or operator notifies the pollution emergency alert system within 24 hours of an emergency pipeline venting. For purposes of this rule, an emergency is considered an unforeseen event that disrupts normal operating conditions and poses a threat to human life, health, property or the environment if not controlled immediately.

(nn) Craft distillery operations if all of the following are met:

(i) Production of all spirits does not exceed 1,500 gallons per month, as produced.

(ii) Monthly production records are maintained on file for the most recent 5-year period and are made available to the department upon request.

(oo) Equipment or systems, or both, used exclusively to mitigate vapor intrusion of an indoor space that is not on the property where the release of the hazardous substance occurred, and which has an exhaust that meets all of the following requirements:

(i) Unobstructed vertically upward.

(ii) At least 12 inches above the nearest eave of the roof or at least 12 inches above the surface of the roof at the point of penetration.

(iii) More than 10 feet above the ground.

(iv) More than 2 feet above or more than 10 feet away from windows, doors, other buildings, and other air intakes.

(3) For the purposes of this rule, “meaningful” with respect to toxic air contaminant emissions is defined as follows:

(a) “Meaningful change in the quality and nature” means a change in the toxic air contaminants emitted that results in an increase in the cancer or non-cancer hazard potential that is 10% or greater, or which causes an exceedance of a permit limit. The hazard potential is the value calculated for each toxic air contaminant involved in the proposed change, before and after the proposed change, and it is the potential to emit (hourly averaging time) divided by the initial risk screening level or the adjusted annual initial threshold screening level (ITSL), for each toxic air contaminant and screening level involved in the proposed change. The adjusted annual ITSL is the ITSL that has been adjusted as needed to an annual averaging time utilizing averaging time conversion

factors in accordance with the models and procedures in 40 C.F.R §51.160(f) and Appendix W, adopted by reference in R 336.1902. The percent increase in the hazard potential is determined from the highest cancer and non-cancer hazard potential before and after the proposed change. The potential to emit before the proposed change is the baseline potential to emit established in an approved permit to install application on or after April 17, 1992, that has not been voided or revoked, unless it has been voided due to incorporation into a renewable operating permit.

(b) "Meaningful increase in the quantity of the emission" means an increase in the potential to emit (hourly averaging time) of a toxic air contaminant that is 10% or greater compared to a baseline potential to emit, or which results in an increase in the cancer or non-cancer hazard potential that is 10% or greater, or which causes an exceedance of a permit limit. The baseline is the potential to emit established in an approved permit to install application on or after April 17, 1992 that has not been voided or revoked, unless it has been voided due to incorporation into a renewable operating permit.

Editor's Note: An obvious error in R 336.1285 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register,* 2019 MR 1. The memorandum requesting the correction was published in *Michigan Register,* 2019 MR 1.

R 336.1291 Permit to install exemptions; emission units with "de minimis" emissions.

Rule 291. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any emission unit in which potential emissions meet the conditions listed in subdivisions (a) to (d) of this subrule and table 23 for all air contaminants listed. In addition, records shall be maintained in accordance with subdivisions (e) and (f) of this subrule.

(a) The combined potential emissions of all toxic air contaminants with screening levels greater than or equal to 0.04 micrograms per cubic meter and less than 2 micrograms per cubic meter shall not exceed 0.12 tons per year.

(b) The combined potential emissions of all toxic air contaminants with screening levels greater than or equal to 0.005 micrograms per cubic meter and less than 0.04 micrograms per cubic meter shall not exceed 0.06 tons per year.

(c) The combined potential emissions of all toxic contaminants with screening levels less than 0.005 micrograms per cubic meter shall not exceed 0.006 tons per year.

(d) The emission unit has no potential emissions of asbestos and/or subtilisin proteolytic enzymes.

(e) A description of the emission unit shall be maintained throughout the life of the unit.

(f) Documentation and/or calculations identifying the quality, nature, and quantity of the air contaminant emissions are maintained in sufficient detail to demonstrate that the potential emissions are less than those listed in subdivisions (a) to (d) of this subrule and Table 23. Such documentation shall include the toxic air contaminant screening level applicable at the time of installation and/or modification of the emission unit.

Table 23. Potential Emissions from Air Contaminants

Air Contaminant	Potential Emissions Not to be Exceeded
CO_2 equivalent	75,000 tons per year
CO	10 tons per year
NO_x	10 tons per year
SO_2	10 tons per year
VOC (as defined in R 336.1122)	5 tons per year
PM	10 tons per year
PM-10	5 tons per year
PM-2.5	3 tons per year
Lead	0.1 tons per year
Fluorides	1 ton per year
Sulfuric acid mist	0.12 tons per year
Hydrogen sulfide	2 tons per year
Total reduced sulfur	2 tons per year
Reduced sulfur compounds	2 tons per year
Total mercury	*0.12 pounds per year*
Total toxic air contaminants not listed in table 23 with any screening level	*5 tons per year*
Total air contaminants not listed in table 23 that are non-carcinogenic and do not have a screening level	*6 tons per year*

R 336.1299 Rescinded.

ATTACHMENT C

DEPARTMENT OF ENVIRONMENTAL QUALITY AIR

QUALITY DIVISION

AIR POLLUTION CONTROL

(By authority conferred on the director of environmental quality by sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and 324.5512, and Executive Reorganization Order Nos. 1995-16, 2009-31, and 2011-1, MCL 324.99903, 324.99919, and 324.99921)

PART 1. GENERAL PROVISIONS

R 336.1101 Definitions; A.

Rule 101. As used in these rules:

(q) "**Aqueous based parts washer" means a tank containing liquid with a volatile organic compound content of less than 5 %, by weight, and at a temperature below its boiling point that is used to spray, brush, flush, or immerse metallic and/or plastic objects for the purpose of cleaning or degreasing.**

R 336.1103 Definitions; C.

Rule 103. As used in these rules:

(aa) "Cold cleaner" means a tank containing organic solvent **with a volatile organic compound content of 5 % or more, by weight, and** at a temperature below its boiling point that is used to spray, brush, flush, or immerse metallic **and/or plastic** objects for the purpose of cleaning or degreasing.

DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

((By authority conferred on the director of environmental quality by sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and 324.5512.

PART 2. AIR USE APPROVAL

R 336.1201a General permits to install.

Rule 201a. (1) The department may, after notice and opportunity for public

participation pursuant to section 5511(3) of the act, issue a general permit to install covering numerous similar stationary sources or emission units. A general permit to install shall include terms and conditions which are necessary to assure that the stationary source or emission unit will comply with all applicable requirements and shall be consistent with the permit content requirements of R 336.1205(1)(a). The general permit to install shall also identify criteria by which a stationary source or emission unit may qualify for the general permit to install. The department shall grant the terms and conditions of the general permit to install to stationary sources or emission units that qualify within 30 days of receipt by the department of a complete application. An applicant shall be subject to enforcement action if the department later determines that the stationary source or emission unit does not qualify for the general permit to install.

(2) A**n** ~~person who~~ owns**er** or operate~~s~~**or of** a stationary source or emission unit that would qualify for a general permit to install issued by the department pursuant to subrule (1) of this rule shall **either** apply ~~to the department~~ for coverage under the terms of the general permit to install or apply for a permit to install consistent with R 336.1201. The department may require the use of application forms designed for use with a specific general permit to install issued by the department. The application forms shall include all information necessary to determine qualification for, and to assure compliance with, the general permit to install. Without repeating the public participation process pursuant to subrule (1) of this rule, the department may grant a request by a person for authorization to install and operate a stationary source or emission unit pursuant to a general permit to install.

(3) The department shall maintain, and make available to the public upon request, a list of the persons that have been authorized to install and operate a stationary source or emission unit pursuant to each general permit to install issued by the department.

R 336.1202 Waivers of approval.

Rule 202. (1) If the requirement for approval of a permit to install before construction will create an undue hardship to the applicant, the applicant may request a waiver to proceed with construction from the department. The application for a waiver shall be in writing, shall explain the circumstances that will cause the undue hardship, and shall be signed by the owner or his or her authorized agent. The application shall be acted upon by the department within 30 days. If a waiver is granted, the applicant shall submit pertinent plans and specifications for approval as soon as is reasonably practical. The applicant, after a waiver is granted, shall proceed with the construction at his or her own risk; however, operation of the equipment shall not be authorized until the application for a permit to install has been approved by the department. After construction, modification, relocation, or installation has begun or been completed, if the plans, specifications, and completed installations do not meet department approval, then the application for a permit to install shall be denied, unless the alterations required to effect approval are made within a reasonable time as specified by the department.

(2) The provisions of subrule (1) of this rule ~~shall~~ **do** not apply to any of the following:

(a) Any activity that is subject to R 336.2802, prevention of significant deterioration regulations, or R 336.2902, nonattainment new source review regulations. **For the purpose of this subrule, "activity" means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.**

(b) Construction or reconstruction of a major source of hazardous air pollutants ~~as defined in and~~ subject to **40 C.F.R. part 63**, national emission standards for hazardous air pollutants for source categories, **adopted by reference in R336.1902**.

(c) Construction or modification ~~as defined in and~~ subject to 40 C.F.R. part 61, national emission standards for hazardous air pollutants, adopted by reference in R 336.~~1299~~**1902**. ~~For purposes of this subrule, "activity" means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.~~

R 336.1203 Information required.

Rule 203. (1) An application for a permit to install shall include information required by the department on the application form or by written notice. This information may include, as necessary, any of the following:

(a) A complete description, in appropriate detail, of each emission unit or process covered by the application. The description shall include the size and type along with the make and model, if known, of the proposed process equipment, including any air pollution control equipment. The description shall also specify the proposed operating schedule of the equipment, provide details of the type and feed rate of material used in the process, and provide the capture and removal efficiency of any air pollution control devices. Applications for complex or multiple processes shall also include a block diagram showing the flow of materials and intermediate and final products.

(b) A description of any federal, state, or local air pollution control regulations which the applicant believes are applicable to the proposed process equipment, including a proposed method of complying with the regulations.

(c) A description in appropriate detail of the nature, concentration, particle size, pressure, temperature, and the uncontrolled and controlled quantity of all air contaminants that are reasonably anticipated due to the operation of the proposed process equipment.

(d) A description of how the air contaminant emissions from the proposed process equipment will be controlled or otherwise minimized.

(e) A description of each stack or vent related to the proposed process equipment, including the minimum anticipated height above ground, maximum anticipated internal dimensions, discharge orientation, exhaust volume flow rate, exhaust gas temperature, and rain protection device, if any.

(f) Scale drawings showing a plan view of the owner's property to the property lines and the location of the proposed equipment. The drawings shall include the height and outline of all structures within 150 feet of the proposed equipment and show any fence lines. All stacks or other emission points related to the proposed equipment shall also be shown on the drawings.

(g) Information, in a form prescribed by the department, that is necessary for the preparation of an environmental impact statement if, in the judgment of the department, the equipment for which a permit is sought may have a significant effect on the environment.

(h) Data demonstrating that the emissions from the process will not have an unacceptable air quality impact in relation to all federal, state, and local air quality standards.

(2) The department may require additional information necessary to evaluate or take

action on the application. The applicant shall furnish all additional information, within 30 days of a written request by the department, except as provided by the following provisions:

(a) The applicant may request a longer period of time, in writing, specifying the reason why 30 days was not reasonable for submitting the information.

(b) The department may provide written notice to the applicant of an alternate time period for the submittal, either as part of the original request or upon the granting of an extension requested by the applicant.

(3) An applicant may reference a **previously submitted** permit application ~~previously submitted to the department~~ for the purpose of supplying a portion of the information required by this rule. Any reference to a previously submitted permit application shall clearly identify the permit application number assigned to the previous application by the department. If acceptable to the department, an applicant may also reference other previously submitted information for the purpose of supplying a portion of the information required by this rule.

R 336.1206 Processing of applications for permits to install.

Rule 206. (1) The department shall review an application for a permit to install for administrative completeness pursuant to R 336.1203(1) within 10 days of its receipt by the department. The department shall notify the applicant in writing regarding the receipt and completeness of the application.

(2) ~~Except for permit to install applications subject to a public comment period pursuant to R 336.1205(1)(b) or section 5511(3) of the act,~~ t**T**he department shall take final action to approve or deny a permit within ~~60~~**180** days of receipt of ~~all information required pursuant to R 336.1203(1) and (2)~~ **an application for a permit to install.** The department shall take final action to approve or deny a permit to install subject to a public comment period pursuant to R 336.1205(1)(b) or section 5511(3) of the act within ~~120~~**240** days of receipt ~~of all information required pursuant to R 336.1203(1) and (2). For purpose of this subrule, the time between when the department requests additional information from an applicant and when the applicant actually provides that information shall not be included in the 60 day and 120 say time frames for final action by the department.~~ **If requested by the permit applicant, the department may extend the processing period beyond the applicable 180 or 240-day time limit. A processing period extension is effective after a formal agreement is signed by both the applicant and the department. However, a processing period shall not be extended under this subrule to a date later than 1 year after all information required pursuant to R 336.1203(1) and (2) has been received. Permit processing period extensions shall be reported as a separate category under section 5522(8)(b) of the act.** The failure of the department to act on an application that includes all the information required pursuant to R336.1203(1) and (2) within the time frames specified in this subrule may be considered a final permit action solely for the purpose of obtaining judicial review in a court of competent jurisdiction to require that action be taken by the department without additional delay.

R 336.1207 Denial of permits to install.

Rule 207. (1) The department shall deny an application for a permit to install if, in the

judgment of the department, any of the following conditions exist:

(a) The equipment for which the permit is sought will not operate in compliance with the rules of the department or state law.

(b) Operation of the equipment for which the permit is sought will interfere with the attainment or maintenance of the air quality standard for any air contaminant.

(c) The equipment for which the permit is sought will violate ~~the~~**an** applicable requirement of the clean air act, ~~as amended, 42 U.S.C. section 7401 et seq.,~~ including any of the following:

(i) ~~The s~~**S**tandards of performance for stationary sources, 40 C.F.R. part 60, adopted by reference in R 336.~~1299~~**1902**.

(ii) ~~The n~~**N**ational emission standards for hazardous air pollutants, 40 C.F.R. part 61, adopted by reference in R 336.~~1299~~**1902**.

(iii) The requirements of prevention of significant deterioration of air quality, R 336.2801 to R 336.2819 and R 336.2823.

(iv) The requirements of nonattainment new source review, R 336.2901 to R 336.2903, R 336.2907, and R 336.2908.

(v) The requirements for control technology determinations for major sources in accordance with 40 C.F.R. §§63.40 to 63.44 and §§63.50 to 63.56, adopted by reference in R 336.1~~1299~~**1902**.

(d) Sufficient information has not been submitted by the applicant to enable the department to make reasonable judgments as required by subdivisions (a) to (c) of this subrule.

(2) When an application is denied, the applicant shall be notified in writing of the reasons ~~therefor~~ **for the denial**. A denial shall be without prejudice to the applicant's right to a hearing pursuant to section 5505(8) of the act or for filing a further application after revisions are made to meet objections specified as reasons for the denial.

R 336.1209 Use of old permits to limit potential to emit.

Rule 209. (1) A person may use a permit to install or a permit to operate issued before May 6, 1980, or a Wayne county permit issued before a delegation of authority to Wayne county pursuant to section ~~14f~~**5523** of the act, to limit the potential to emit of a stationary source to a quantity less than the amount which would cause the stationary source to be subject to the requirements of R 336.1210 by complying with the requirements of subrule (2) of this rule, if the permit meets both of the following requirements:

(a) The permit contains emission limits that are less than the maximum emissions of the process or process equipment operating at full design capacity without air pollution control equipment, and the permit contains a production or operational limit consistent with the requirements of R 336.1205(1)(a).

(b) The potential to emit of the stationary source, including the emissions authorized by the permit, is less than the quantity of emissions that would cause the stationary source to be considered a major source pursuant to R 336.1211(1)(a).

(2) Except as provided by subrule (3) of this rule, a person shall meet both of the following requirements to use a permit to install or permit to operate issued before May 6, 1980, or a Wayne county permit issued before a delegation of authority to Wayne county pursuant to section ~~14f~~**5523** of the act, to limit the potential to emit of a stationary source:

(a) Submit a written notice to the department, on a form provided by the department, of the intent that the terms and conditions of the permit to install, permit to operate, or the Wayne county permit be used to limit the potential to emit of the stationary source under

the provisions of this rule. The written notice shall include a certification signed by the person that the stationary source, process, or process equipment is in full compliance with the permit to install, permit to operate, or the Wayne county permit.

(b) Maintain records, conduct monitoring, and submit reports as required by the permit and as required pursuant to any applicable requirement to show that the stationary source, process, or process equipment is operating in compliance with the terms and conditions of the permit and any applicable requirements.

(3) A person need not notify the department pursuant to subrule (2)(a) of this rule if the potential to emit of the stationary source, including the emissions authorized by the permit to install or permit to operate issued before May 6, 1980, or the Wayne county permit issued before a delegation of authority to Wayne county pursuant to section 5523 of the act, is less than 50% of the quantity that would cause the stationary source to be considered a major source pursuant to R 336.1211(1)(a).

R 336.1212 Administratively complete applications; insignificant activities; streamlining applicable requirements; emissions reporting and fee calculations.

Rule 212. (1) A timely and administratively complete application for a stationary source subject to the requirements of R 336.1210 shall meet the requirements of R 336.1210(2) and shall contain all information that is necessary to implement and enforce all applicable requirements that include a process-specific emission limitation or standard or to determine the applicability of those requirements.

(2) All of the following activities are considered to be insignificant activities at a stationary source and need not be included in an administratively complete application for a renewable operating permit:

(a) Repair and maintenance of grounds and structures.

(b) All activities and changes pursuant to R 336.1285(2)(a) to (f); however, if any compliance monitoring requirements in the renewable operating permit would be affected by the change, then application shall be made to revise the permit pursuant to R 336.1216.

(c) All activities and changes pursuant to R 336.1287(2)(f) to (h); however, if any compliance monitoring requirements in the renewable operating permit would be affected by the change, then application shall be made to revise the permit pursuant to R 336.1216.

(d) Use of office supplies.

(e) Use of housekeeping and janitorial supplies.

(f) Sanitary plumbing and associated stacks or vents.

(g) Temporary activities related to the construction or dismantlement of buildings, utility lines, pipelines, wells, earthworks, or other structures.

(h) Storage and handling of drums or other transportable containers that are sealed during storage and handling.

(i) Fire protection equipment, firefighting and training in preparation for fighting fires, ~~Prior approval by the department for open burning associated with training in preparation for fighting fires is required~~, pursuant to R 336.1310.

(j) Use, servicing, and maintenance of motor vehicles, including cars, trucks, lift trucks, locomotives, aircraft, or watercraft, except where the activity is subject to an applicable requirement. The applicable requirement or the emissions of those air

contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements may include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to

R 336.1211(1)(a)(ii). For the purpose of this subdivision, the maintenance of motor vehicles does not include painting or refinishing.

(k) Construction, repair, and maintenance of roads or other paved or unpaved areas, except where the activities are subject to an applicable requirement. The applicable requirement or the emissions of the air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii).

(l) Piping and storage of sweet natural gas, including venting from pressure relief valves and purging of gas lines.

(3) The following process or process equipment need not be included in an administratively complete application for a renewable operating permit, unless the process or process equipment is subject to applicable requirements that include a process- specific emission limitation or standard:

*(a) ~~All c~~**C**ooling and ventilation equipment listed in R 336.1280**(2)(b) to (e).***

*(b) Cleaning, washing, and drying equipment listed in R 336.1281**(2)**(a) to (f) and (i) **to (k)**.*

*(c) Electrically heated furnaces, ovens, and heaters listed in R 336.1282**(2)**(a) **and equipment listed in R 336.1282(2)(c) to (f)**.*

*(d) ~~All~~ **Process and process equipment and** other equipment listed in R 336.1283 **not excluded in R 336.1283(3).***

*(e) Containers listed in R 336.1284**(2)**(a), (c), (d), (h), and (j**k**) to (m).*

*(f) Miscellaneous equipment listed in R 336.1285**(2)**(h), **(i),** ~~to~~ **(k)** ~~(p), (r)~~ to (t), (v) to (ii), (kk), and (ll) except for ~~externally vented~~ equipment listed in R 336.1285**(2)**(l)(vi) **(C), (r)(iv), and (dd)(iii).***

(g) All plastic processing equipment listed in R 336.1286.

(h) Surface coating equipment listed in R 336.1287(2)(b), (d), (e), (i), (j), and (k).

(i) All oil and gas processing equipment listed in R 336.1288.

(j) Asphalt and concrete production equipment listed in R 336.1289(2)(a) to (c).

(4) Unless subject to a process-specific emission limitation or standard, all of the following process or process equipment need only be listed in an administratively complete application for a renewable operating permit. The list shall include a description of the process or process equipment, including any control equipment pertaining to the process or process equipment, the source classification code, and a reference to the subdivision of this subrule that identifies the process or process equipment:

(a) Cooling and ventilation equipment listed in R 336.1280(2)(a).

*(~~a~~**b**) Cleaning, washing, and drying equipment listed in R 336.1281**(2)**(g), and (h) ~~and (j)~~.*

*(~~b~~**c**) Fuel-burning furnaces, ovens, and heaters listed in R 336.1282**(2)(a), (b), and (g)**.*

*(~~c~~**d**) Containers listed in R 336.1284**(2)**(b), (e), (f), (g), ~~and~~ (i)**, (j), and (n)**.*

*(~~d~~**e**) Miscellaneous process or process equipment listed in R 336.1285**(2)**(g), **(j), (l) (vi)(C), (r)(iv),** ~~*(q)*~~ *(u),* **(w), (dd)(iii),** *(jj) and* **(mm).** ~~*externally vented process equipment listed in R 336.1285(l)(vi).*~~

*(~~e~~**f**) Surface-coating equipment listed in R 336.1287**(2)**(a) and (c). (**fg**) Concrete batch pr~~o~~duction equipment listed in R 336.1289**(2)**(d).

*(~~g~~**h**) ~~Process or process equipment~~ **Emission units** ~~which~~**that** has**ve** limited emissions and ~~which is listed~~ **meet the criteria** in R336.1290.

(i) Emission units that have limited emissions and meet the criteria in R 336.1291.

(5) As a part of an application for a renewable operating permit, a person may seek to establish that certain terms or conditions of a permit to install, permit to operate, or order entered pursuant to the act are not appropriate to be incorporated into the renewable operating permit or should be modified to provide for consolidation or clarification of the applicable requirements. An application for a renewable operating permit may include information necessary to demonstrate any of the following:

(a) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act is no longer an applicable requirement.

*(b) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act should be modified to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the modification results in enforceable applicable requirements ~~which~~ **that** are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.*

(c) That the equipment should be combined into emission units different from the emission units contained in a permit to install, permit to operate, or order entered pursuant to the act to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the realignment of the emission units results in enforceable applicable requirements which are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.

(6) Beginning with the annual report of emissions required pursuant to R 336.202 and section 5503(k) of the act for ~~calendar year 1995, or~~ the first calendar year after a stationary source becomes a major source as defined by R 336.1211(1)(a), ~~whichever is later,~~ each stationary source subject to the requirements of this rule shall report the emissions, or the information necessary to determine the emissions, of each regulated air pollutant. The information shall be submitted utilizing the emissions inventory forms provided by the department. For the purpose of this subrule, "regulated air pollutant" means all of the following:

(a) Nitrogen oxides or any volatile organic compound.

(b) A pollutant for which a national ambient air quality standard has been promulgated under the clean air act.

(c) A pollutant that is subject to any standard promulgated under section 111 of the clean air act.

(d) A class I or II substance that is subject to a standard promulgated under or established by title VI of the clean air act.

(e) A pollutant that is subject to a standard promulgated under section 112 or other requirements established under section 112 of the clean air act, except for pollutants regulated solely pursuant to section 112(r) of the clean air act. Pollutants subject to a

standard promulgated or other requirements established under section 112 of the clean air act include both of the following:

(i) A pollutant that is subject to requirements under section 112(j) of the clean air act. If the administrator of the United States environmental protection agency fails to promulgate a standard by the date established pursuant to section 112(e) of the clean air act, any pollutant for which a stationary source would be major shall be considered to be

regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the clean air act.

(ii) A pollutant for which the requirements of section 112(g)(2) of the clean air act have been met, but only with respect to the specific stationary source that is subject to the section 112(g)(2) requirement.

*(7) For the purpose of calculating the annual air quality fee pursuant to section 5522 of the act, the actual emissions of a fee-subject air pollutant from all process or process equipment shall be determined. However, the actual emissions of a fee-subject air pollutant from process or process equipment listed pursuant to subrules (2) to (4) of this rule need not be calculated unless either of the following provisions ~~is~~ **are** met:*

(a) The process or process equipment is subject to a process-specific emission limitation or standard for the specific fee-subject air pollutant.

(b) The actual emissions from the process or process equipment exceed 10% of significant, as defined in R 336.1119(e), for that air pollutant.

R 336.1214a Consolidation of permits to install within renewable operating permit.

Rule 214a. (1) The department shall issue a source-wide permit to install concurrent with each issuance and renewal of a renewable operating permit pursuant to R 336.1214 and each reissuance of a renewable operating permit pursuant to R 336.1217(2)(b). The source-wide permit to install shall be contained in the same document as the renewable operating permit. The source-wide permit to install shall specifically identify, consolidate, and incorporate all federally enforceable terms and conditions of existing permits to install into the renewable operating permit in accordance with the provisions of R 336.1212(5) and the permit content requirements of R 336.1213.

(2) The source-wide permit to install is updated whenever a new process-specific permit to install is incorporated into the renewable operating permit in accordance with the provisions of R 336.1216.

(3) Both of the following provisions apply to the incorporation of terms and conditions of a permit to install into a renewable operating permit:

(a) Within the renewable operating permit, each federally enforceable term or condition that originated in a permit to install shall be specifically identified with an applicable requirement citation of R 336.1201(1)(a). This citation is in addition to the R 336.1213(2)(a) underlying applicable requirement citation. Each term or condition of the renewable operating permit with an applicable requirement citation of R 336.1201(1)(a) shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule.

(b) A federally enforceable term or condition of a renewable operating permit shall be considered a term or condition of the source-wide permit to install issued

pursuant to this rule, if it can be reasonably demonstrated that the federally enforceable term or condition originated in a permit to install issued pursuant to R 336.1201. Each term or condition in a renewable operating permit issued before the effective date of this rule with any of the following underlying applicable requirements, identified pursuant to R 336.1213(2)(a), shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule:

(i) R 336.1201, R 336.1201a.

(ii) Title 40 C.F.R. §§63.40 to 63.44 and §§63.50 to 63.56, adopted by reference in R 336.1902.

(iii) R 336.1301(1)(c), R 336.1301(4), and R 336.1331(1)(c).

(iv) R 336.1403(4).

(v) R 336.1702, R 336.1705, R 336.1706, R 336.1708, R 336.1709, and R 336.1710.

(vi) R 336.2415.

(vii) Title 40 C.F.R. §52.21, adopted by reference in R 336.1902. (viii) R 336.2801 to R 336.2819 and R 336.2823.

(ix) R 336.2901 to R 336.2903, R 336.2907, and R 336.2908.

(4) The source-wide permit to install replaces all existing permits to install, in accordance with R 336.1201(6)(b). Although the source-wide permit to install and the renewable operating permit are contained in the same document, the source-wide permit

to install maintains its own authority under section 5505 of the act. If the renewable operating permit expires or is voided, the source-wide permit to install remains in effect, unless the criteria of R 336.1201(6)(a) or (c) are met.

(5) State-only enforceable terms and conditions from a permit to install that have been incorporated into a renewable operating permit shall be considered terms and conditions of a state-only enforceable permit to install established pursuant to R 336.1201(2)(d). If the renewable operating permit later expires or is voided, the state- only enforceable permit to install does not expire, nor is it voided, unless the criteria of R 336.1201(6)(a) or (c) are met.

(6) Nothing in this rule shall relieve the requirement to obtain a permit to install pursuant to R 336.1201(1) for newly constructed, modified, reconstructed, or relocated process or process equipment that emits an air contaminant.

R 336.1216 Modifications to renewable operating permits.

Rule 216. (1) All of the following provisions apply to administrative permit amendments:

(a) An administrative permit amendment is a modification to a renewable operating permit that involves any of the following:

(i) A change that corrects typographical errors.

(ii) A ***minor administrative*** *change ~~in the name, address, or phone number of the responsible official or other contract person identified in the application for the renewable operating permit or a similar minor administrative change~~ at the stationary source.*

(iii) A change that provides for more frequent monitoring or reporting.

(iv) A change in the ownership or operational control of a stationary source where the department determines that no other change in the permit is necessary, if a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new ~~persons owning or operating the stationary source~~ ***owner or operator*** *has been submitted to the department. The new ~~person owning or operating the stationary source~~* ***owner or operator*** *shall also notify the department of any change in the responsible official or contact person regarding the renewable operating permit.*

(v) A change that incorporates into the renewable operating permit the terms and conditions of a permit to install issued pursuant to R 336.1201, if the permit to install includes terms and conditions that comply with the permit content requirements contained in R 336.1213, the procedure used to issue the permit to install was substantially equivalent to the requirements of R 336.1214(3) and (4) regarding public participation and review by affected states, the process or process equipment is in compliance with, and no changes are required to, the terms and conditions of the permit to install that are to be incorporated into the renewable operating permit, and both of the following have occurred:

(A) A person has notified the department, in writing, within 30 days after completion of the installation, construction, reconstruction, relocation, or

modification of the process or process equipment covered by the permit to install, unless a different time frame is specified by an applicable requirement and required by the permit to install.

(B) Upon completion of all testing, monitoring, and recordkeeping required by the terms and conditions of the permit to install, but not later than 12 months after the date of completion reported in subparagraph (A) of this paragraph unless a different time frame is specified in the permit to install, a person has requested that the contents of the permit to install be incorporated into the renewable operating permit as an administrative permit amendment. The request shall include all of the following:

(1) The results of all testing, monitoring, and recordkeeping performed by the person to determine the actual emissions from the process or process equipment and to demonstrate compliance with the terms and conditions of the permit to install.

(2) A schedule of compliance for the process or process equipment.

(3) A certification by the responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the request are true, accurate, and complete.

(b) An administrative permit amendment, for changes identified in subdivision (a)(i) to (iv) of this subrule, shall be reviewed and final action taken according to the following procedure:

(i) The department shall take final action to approve or deny the request for an administrative permit amendment within 60 days of the receipt of the request, unless the department requests additional information to clarify the request. If the department requests additional information, the department shall take final action within 60 days of the receipt of the additional information. Upon approval of the request, the change shall be incorporated into the renewable operating permit without providing notice to the public or affected states. The change shall be clearly designated as an administrative permit amendment.

(ii) Upon approval, the department shall transmit a copy of the administrative permit amendment to the person that requested the amendment and the United States environmental protection agency.

(iii) A person may implement the changes identified in the request for an administrative permit amendment, at the person's own risk, immediately upon submittal of the request to the department. After the change has been made, and until the department takes final action as specified in paragraph (i) of this subdivision, a person

shall comply with both of the applicable requirements governing the change and the permit terms and conditions proposed in the application for the administrative amendment. If a person fails to comply with the permit terms and conditions proposed in the application for the administrative amendment during this time period, the terms and conditions contained in the renewable operating permit are enforceable.

(iv) The permit shield provided under R 336.1213(6) does not extend to administrative amendments made pursuant to subdivision (a)(i) to (iv) of this subrule.

(c) An administrative permit amendment, for changes identified in

subdivision (a)(v) of this subrule, shall be reviewed and final action taken according to the following procedure:

*(i) Within 60 days after receipt by the department of all the information required pursuant to subdivision (a)(v)(B) of this subrule, the department shall determine whether the information provides an acceptable demonstration of compliance with the terms and conditions of the permit to install and shall transmit a copy of the information together with ~~the~~**that** determination and a proposed amended renewable operating permit to the United States environmental protection agency for a 45-day review period pursuant to 40 C.F.R. §70.8(c),* ***adopted by reference in R 336.1902****.*

(ii) The department shall not take ~~a~~ final action to approve the administrative permit amendment if the administrator of the United States environmental protection agency objects to its approval, in writing, within 45 days of receipt by the United States environmental protection agency, of the information required in paragraph (i) of this subdivision. The department shall follow the procedure specified in 40 C.F.R. §70.8(c), ***adopted by reference in R 336.1902****, in response to an objection by the administrator of the United States environmental protection agency.*

(iii) A person may make the change authorized by the permit to install immediately after the permit to install has been approved by the department. After the change has been made, and until the department takes final action on the administrative permit amendment as specified in paragraph (ii) of this subdivision, the person shall comply with both the applicable requirements governing the change and the terms and conditions approved as a part of the permit to install. During this time period, the person may choose to not comply with the existing terms and conditions of the renewable operating permit that are modified by the permit to install. However, if the person fails to comply with the terms and conditions of the permit to install during this time period, the terms and conditions contained in the renewable operating permit are enforceable. The permit shield provided under R 336.1213(6) does not apply to the changes until the administrative permit amendment has been approved by the department.

(d) If the department denies the request for an administrative permit amendment, the department shall notify the person requesting the administrative permit amendment, in writing, that the request has been denied and the reasons for the denial. Any appeal of a denial by the department of an administrative permit amendment shall be pursuant to section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631. ~~, PA 236, MCL 600.631~~ ***of the revised judicature act of 1961, 1961, PA 236, MCL 600.631****. The denial of an administrative permit amendment pursuant to ~~subrule (1)(c) of~~ this rule is not a revocation of the permit to install.*

(2) All of the following provisions apply to minor permit modifications:

(a) A minor permit modification is a change to a renewable operating permit for which none of the following provisions apply:

(i) The change would violate any applicable requirement.

(ii) The change would significantly affect any existing monitoring, reporting, or recordkeeping requirements contained in the renewable operating permit.

(iii) The change would require or affect any of the following:

(A) A case-by-case determination of a federally enforceable emission limitation or other standard.

(B) For temporary sources, a source-specific determination of ambient impacts.

(C) A visibility or increment analysis.

(iv) The change would seek to establish or affect a federally enforceable term or condition in the renewable operating permit for which there is no corresponding underlying applicable requirement and that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject. Following are examples of the terms and conditions described in this paragraph:

(A) An emissions cap assumed to avoid classification as a modification under any applicable provision of title I of the clean air act.

(B) An alternative emissions limit adopted by the stationary source as part of an early reduction program pursuant to section 112(i)(5) of the clean air act.

*(v) The change is defined as a major offset modification or a modification under any applicable requirement of sections 111 ~~section~~ **or** 112, or part C of title I of the clean air act. A minor permit modification includes a change authorized by a permit to install issued pursuant to R 336.1201, if the permit to install includes terms and conditions that comply with the permit content requirement of R 336.1213 and none of the provisions of this subrule apply.*

(b) An application requesting a minor permit modification shall contain reasonable responses to all requests for information in the minor permit modification application forms required by the department, including all of the following information:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(ii) The proposed changes to the terms and conditions of the renewable operating permit that the person applying for the minor permit modification believes are adequate to address the change and any new applicable requirements.

(iii) A certification by the responsible official which states that the proposed modification meets the criteria for use of minor permit modification procedures and that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete.

(iv) Completed forms, supplied by the department, for the department to use to notify the United States environmental protection agency and any affected states.

(c) A minor permit modification shall be reviewed and final action taken according to the following procedure:

(i) Within 5 working days of receipt by the department of an application for a minor permit modification that meets the requirements of subdivision (b) of this subrule, the department shall notify the United States environmental protection agency and any affected states of the requested minor permit modification.

(ii) The department shall notify the administrator of the United States environmental protection agency and the affected state, in writing, of any refusal by the department to accept any recommendations for the minor permit modification that the affected state

submitted to the department during the time period for review specified in paragraph (iii) of this subdivision and before final action has been taken on the minor permit modification. The notice shall include the department's reasons for not accepting any recommendation. The department is not required to accept recommendations that are not based on applicable requirements.

(iii) The department shall not issue a final minor permit modification until after the United States environmental protection agency's 45-day review period or until the United States environmental protection agency has notified the department that the agency will not object to issuance of the minor permit modification. Within 90 days of the department's receipt of an application for a minor permit modification, or 15 days after the end of the United States environmental protection agency's 45-day review period, whichever is later, the department shall take 1 of the following actions and notify, in writing, the person applying for the minor permit modification of that action:

(A) Approve the permit modification as proposed.

(B) Revise the draft minor permit modification, with the consent of the person applying for the minor permit modification, and transmit the revised draft minor permit modification to the United States environmental protection agency. Transmittal of a revised draft minor permit modification to the United States environmental protection agency restarts the 45-day review period specified in this paragraph.

(C) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures. The notification by the department shall specify why the request does not meet the criteria for a minor permit modification.

*(D) Deny the permit modification application for cause. The notification by the department shall specify the reasons for the denial. ~~The~~**Any** appeal of a denial by the department of a minor permit modification shall be pursuant to section 631~~, of 1961 PA 236, MCL 600.631~~ **of the revised judicature act of 1961, 1961, PA 236, MCL 600.631**.*

(d) A person may make the change proposed in the application for a minor permit modification, at the person's own risk, immediately after the department has received the application. After the change has been made, and until the department takes final action as specified in subdivision (c)(iii)(A) to (C) of this subrule, a person shall comply with both of the applicable requirements governing the change and the permit terms and conditions proposed in the application for the minor permit modification. During this time period, a person may choose to not comply with the existing permit terms and conditions that the application for a minor permit modification seeks to modify. However, if the person fails to comply with the permit terms and conditions proposed in the application for the minor permit modification during this time period, the terms and conditions contained in the renewable operating permit are enforceable.

(e) Notwithstanding the restrictions of subdivision (a) of this subrule,

minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that the approaches have been approved by the administrator of the United States environmental protection agency as a part of Michigan's state implementation plan. The approaches shall identify the specific modifications that can be made using the minor permit modification procedures.

(f) The permit shield under R 336.1213(6) shall not extend to minor permit modifications.

(3) All of the following provisions apply to significant modifications:

(a) A significant modification is a modification to a renewable operating permit which is not an administrative permit amendment pursuant to subrule (1) of this rule, or is not a minor permit modification pursuant to subrule (2) of this rule, and which involves any of the following changes, unless the change is allowed under the terms and conditions of a permit to install that has been approved by the department pursuant to the requirements of subrule (1)(a)(v) of this rule:

(i) A modification under any applicable provision of title I of the clean air act.

(ii) Except as provided pursuant to subrule (1)(c)(iii) of this rule, any change that would result in emissions that exceed the emissions allowed under the renewable operating permit. The emissions allowed under the permit include any emission limitation, production limit, or operational limit, including a work practice standard, required by an applicable requirement, or any emission limitation, production limit, or operational limit, including a work practice standard, that establishes an emissions cap that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(iii) The change would significantly affect an existing monitoring, recordkeeping, or reporting requirement included in the renewable operating permit.

(iv) The change would require or modify a case-by-case determination of an emission limitation or other standard, a source-specific determination of ambient air impacts for temporary sources, or a visibility or increment analysis.

(v) The change would seek to establish or modify an emission limitation, standard, or other condition of the renewable operating permit that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(b) An administratively complete application for a significant permit modification shall be limited to address only the process and process equipment that will be affected by the change.

(c) The terms and conditions of a significant permit modification shall meet all the permit content requirements of R 336.1213 for the process and process equipment affected by the change.

(d) The procedure for taking final action on significant permit modification shall follow the requirements of R 336.1214, except that final actions on significant permit modifications shall be taken within 9 months of the receipt

by the department of an administratively complete application.

(e) If a significant permit modification is denied, the department shall notify, in writing, the person applying for the modification. The notification of denial shall specify the reasons for the denial. Any appeal of a denial by the department of a significant permit modification shall be pursuant to section 631, ~~of 1961 PA 236, MCL 600.631~~ ***of the revised judicature act of 1961, 1961, PA 236, MCL 600.631****.*

(4) All of the following provisions apply to state-only modifications:

(a) A state-only modification to a renewable operating permit involves changes to terms and conditions in the renewable operating permit that are designated as not enforceable under the clean air act pursuant to R 336.1213(5). If the change results in

new applicable requirements that must be enforceable under the clean air act, then the change shall not be a state-only modification.

(b) An application requesting a state-only modification shall contain reasonable responses to all requests for information in the application forms required by the department, including all of the following information:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(ii) The proposed changes to the terms and conditions of the renewable operating permit that the person applying for the state-only modification believes are adequate to address the change and any new applicable requirements.

(iii) A certification by the responsible official which states that the proposed modification meets the criteria for use of the state-only modification procedures and that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete.

(c) A state-only modification shall be reviewed and final action taken within 90 days of the department's receipt of an application for the state-only modification. The department shall take 1 of the following actions and notify, in writing, the person applying for the state-only modification of that action:

(i) Approve the state-only modification as proposed.

(ii) Revise the draft state-only modification, with the consent of the person applying for the modification, and approve the revised modification.

(iii) Determine that the requested modification does not meet the criteria for a state- only modification and should be reviewed pursuant to subrule (1), (2), or (3) of this rule. The notification by the department shall specify why the request does not meet the criteria for a state-only modification.

(iv) Deny the state-only modification application for cause. The notification by the department shall specify the reasons for the denial. Any appeal of a denial by the department of a state-only modification shall be pursuant to section ~~, of 1961, PA 236, MCL 600.631~~ ***of the revised judicature act of 1961, 1961, PA 236, MCL 600.631****.*

(d) A person may make the change proposed in the application for a state-only modification, at the person's own risk, immediately after the application has been received by the department. After the change has been made, and until

the department takes final action as specified in subdivision (c)(i) to (iv) of this subrule, the person shall comply with both the applicable requirements governing the change and the permit terms and conditions proposed in the application for the minor permit modification. During this time period, the person may choose, at the person's own risk, to not comply with the existing permit terms and conditions that the application for a state-only modification seeks to modify. However, if the person fails to comply with the permit terms and conditions proposed in the application for the state-only modification during this time period, or if the state-only modification is denied by the department, the terms and conditions contained in the renewable operating permit are enforceable.

(e) The permit shield provided under R 336.1213(6) does not apply to the state-only modification until the changes have been approved by the department.

R 336.1219 Amendments for change of ownership or operational control.

Rule 219. (1) A person may notify the department, in writing, of a change in ownership or operational control of a stationary source or emission unit authorized by a permit to install or a permit to operate. The notification shall include all of the following information:

(a) A description of the stationary source or emission unit affected by the change and a listing of the permits involved in the request.

(b) An identification of the new owner or operator and a specific date for the transfer of responsibility, coverage, and liability.

(c) A written statement by the new ~~person owning or operating~~ **owner or operator of** the stationary source or emission unit that the terms and conditions of the permit to install or permit to operate are understood and accepted. Acceptance of the terms and conditions of a permit does not affect the person's ability to subsequently request a modification to the permit to install or permit to operate pursuant to R 336.1201. The new ~~person owning or operating the stationary source~~ **owner or operator** shall also notify the department of any change in the contact person regarding the permit.

(2) A change in ownership or operational control of a stationary source or emission unit covered by a renewable operating permit shall be made pursuant to R 336.1216(1).

~~**R 336.1220 Construction of sources of volatile organic compounds in ozone nonattainment areas; conditions for approval.**~~

~~Rule 220. Unless the following conditions are met, the commission shall deny a permit to install for a major offset source of volatile organic compounds proposed for location within an ozone nonattainment area:~~

~~(a) The proposed equipment shall comply with the lowest achievable emission rate for volatile organic compounds.~~

~~(b) All existing sources in the state owned or controlled by the owner or operator of the proposed source shall be in compliance with all applicable local, state, and federal air quality regulations or shall be in compliance with a consent order or other legally enforceable agreement specifying a schedule and timetable for compliance.~~

~~(c) Prior to start-up of the proposed equipment, a reduction (offset) of the total hourly and annual volatile organic compound emissions from existing sources equal to 110% of allowed emissions for the proposed equipment shall be provided. The emission offset for a source locating in Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and Monroe counties shall be secured from sources in any of those counties. The emission offset for a source locating in any other ozone nonattainment county may be secured from any ozone nonattainment county in Michigan, except Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and tvionroe counties.~~

~~(d) Subdivisions (a) and (c) of this rule do not apply if the allowable emission rates for the proposed equipment are less than 50 tons per year, 1,000 pounds per day, and 100 pounds per hour.~~

~~(e) This rule does not apply to the emission of the following organic compounds:~~

~~(i) Methylene chloride.~~

~~( ) Methyl chloroform.~~

~~(i) Trichlorofluoromethane (CFC-11).~~

~~(ii) Dichlorodifluoromethane (CFC-12).~~

~~(iii) Chlorodifluoromethane (CFC-22).~~

~~(iv) Trifluoromethane (FC-23).~~

~~(v) Tr ichlorotrifluoroethane (CFC-113).~~

~~(vi) Dichlorotetrafluoroethane (CFC-114).~~

~~(vii) Chloropentafluoroethane (CFC-115).~~

~~(viii)Any other volatile organic compound for which it can be demonstrated to the commission that it is nonreactive in the formation of ozone.~~

~~The compounds specified in paragraphs (i) to (x) of this subdivision shall not be used as an emission offset from sources in place to allow for the construction of any major offset source.~~ **Rescinded.**

R 336.1240 Required air quality models.

Rule 240. All air quality modeling demonstrations required by ~~prevention of significant deterioration of air quality regulations and new source review for major sources in nonattainment areas regulations,~~ **40 C.F.R. §52.21, adopted by reference in R 336.1902, or part 18 or 19 of these rules**, or used to support or amend the state implementation plan shall be made in accordance with the models and procedures in 40 C.F.R. §51.160(f) and appendix W **to 40 C.F.R.part 51,** adopted by reference in R 336.1~~299~~**902**.

R 336.1241 Air quality modeling demonstration requirements.

Rule 241. ~~(1)~~All air quality modeling demonstrations required by the department ~~which~~ **that** are not subject to R 336.1240 shall follow the procedures and methods referenced in R 336.1240, except the demonstration may be based on the maximum ambient predicted concentration using the most recent calendar year of meteorological data from a representative national weather service, federal aviation administration station, or site specific measurement station.

R 336.1278 Exclusion from exemption.

Rule 278. (1) specified in R 336.1280 to R 336.~~1290~~**1291** do not apply to either of

the following:

(a) Any activity that is subject to prevention of significant deterioration of air quality regulations or new source review for major sources in nonattainment areas regulations.

(b) Any activity that results in an increase in actual emissions greater than the significance levels defined in R 336.1119. For the purpose of this rule, "activity" means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.

(2) The exemptions specified in R 336.1280 to R 336.~~1290~~**1291** do not apply to the construction of a new major source of hazardous air pollutants or reconstruction of a major source of hazardous air pollutants, as defined in 40 C.F.R. **§63.2** and subject to ~~40 C.F.R. §63.2 and~~ §63.5(b)(3), national emission standards for hazardous air pollutants, adopted by reference in R 336.1902.

(3) The exemptions specified in R 336.1280 to R 336.~~1290~~**1291** do not apply to a construction or modification as defined in and subject to 40 C.F.R. **part** 61, national emission standards for hazardous air pollutants, adopted by reference in R336.~~1299~~**1902**.

(4) The exemptions in R 336.1280 to R 336.~~1290~~**1291** apply to the requirement to obtain a permit to install only and do not exempt any source from complying with any other applicable requirement or existing permit limitation.

R 336.1285 Permit to install exemptions; miscellaneous.

Rule 285. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Routine maintenance, parts replacement, or other repairs that are considered by the department to be minor, or relocation of process equipment within the same geographical site not involving any appreciable change in the quality, nature, quantity, or impact of the emission of an air contaminant therefrom. Examples of parts replacement or repairs considered by the department to be minor include the following:

(i) Replacing bags in a baghouse.

(ii) Replacing wires, plates, rappers, controls, or electric circuitry in an electrostatic precipitator that does not measurably decrease the design efficiency of the unit.

(iii) Replacement of fans, pumps, or motors that does not alter the operation of a source or performance of air pollution control equipment.

(iv) Boiler tubes.

(v) Piping, hoods, and ductwork.

(vi) Replacement of engines, compressors, or turbines as part of a normal maintenance program.

(b) Changes in a process or process equipment which do not involve installing, constructing, or reconstructing an emission unit and which do not involve any meaningful change in the quality and nature or any meaningful increase in the quantity of the emission of an air contaminant therefrom.

(i) Examples of such changes in a process or process equipment include, but are not limited to, the following:

(A) Change in the supplier or formulation of similar raw materials, fuels, or paints and other coatings.

(B) Change in the sequence of the process.

(C) Change in the method of raw material addition.

(D) Change in the method of product packaging.

(E) Change in temperature, pressure, or other similar operating parameters that do not affect air cleaning device performance.

(F) Installation of a floating roof on an open top petroleum storage tank.

(G) Replacement of a fuel burner in a boiler with an equally or more thermally efficient burner.

(H) Lengthening a paint drying oven to provide additional curing time.

(c) Changes in a process or process equipment that do not involve installing, constructing, or reconstructing an emission unit and that involve a meaningful change in the quality and nature or a meaningful increase in the quantity of the emission of an air contaminant resulting from any of the following:

(i) Changes in the supplier or supply of the same type of virgin fuel, such as coal, no. 2 fuel oil, no. 6 fuel oil, or natural gas.

(ii) Changes in the location, within the storage area, or configuration of a material storage pile or material handling equipment.

(iii) Changes in a process or process equipment to the extent that such changes do not alter the quality and nature, or increase the quantity, of the emission of the air contaminant beyond the level which has been described in and allowed by an approved permit to install, permit to operate, or order of the department.

(d) Reconstruction or replacement of air pollution control equipment with equivalent or more efficient equipment.

(e) Installation, construction, or replacement of air pollution control equipment for an existing process or process equipment for the purpose of complying with the national emission standards of hazardous air pollutants regulated under section 112 of the clean air act.

(f) Installation or construction of air pollution control equipment for an existing process or process equipment if the control equipment itself does not actually generate a significant amount of criteria air contaminants as defined in R 336.1119(e) or a meaningful increase in the quantity of the emissions of toxic air contaminants or a meaningful change in the quality and nature of toxic air contaminants.

(g) Internal combustion engines that have less than 10,000,000 Btu/hour maximum heat input.

(h) Vacuum pumps in laboratory or pilot plant operations.

(i) Brazing, soldering, welding, or plasma coating equipment.

(j) Portable torch cutting equipment that does not cause a nuisance or adversely impact surrounding areas and is used for either of the following:

(i) Activities performed on a non-production basis, such as maintenance, repair, and dismantling.

(ii) Scrap metal recycling and/or demolition activities that have emissions that are released only into the general in-plant environment and/or that have externally vented emissions equipped with an appropriately designed and operated enclosure and fabric filter.

(k) Grain, metal, or mineral extrusion presses.

(l) The following equipment and any exhaust system or collector exclusively serving the equipment:

(i) Equipment used exclusively for bending, forming, expanding, rolling, forging, pressing, drawing, stamping, spinning, or extruding either hot or cold metals.

(ii) Die casting machines.

(iii) Equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions.

(iv) Atmosphere generators used in connection with metal heat treating processes.

(v) Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal-bearing ores, metal scale, clay, flyash, or metal compounds.

(vi) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals, graphite, plastics, concrete, rubber, paper board, wood, wood products, stone, glass, fiberglass, or fabric which meets any of the following:

(A) Equipment used on a nonproduction basis.

(B) Equipment that has emissions that are released only into the general in-plant environment.

(C) Equipment that has externally vented emissions controlled by an appropriately designed and operated fabric filter collector that, for all specified operations with metal, is preceded by a mechanical precleaner.

(vii) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy, including any of the following:

(A) Blueprint machines.

(B) Photocopiers.

(C) Mimeograph machines.

(D) Photographic developing processes.

(E) Microfiche copiers.

(viii) Battery charging operations.

(ix) Pad printers.

(m) Lagoons, process water treatment equipment, wastewater treatment equipment, and sewage treatment equipment, except for any of the following:

(i) Lagoons and equipment primarily designed to treat volatile organic compounds in process water, wastewater, or groundwater, unless the emissions from the lagoons and equipment are only released into the general in-plant environment.

(ii) Sludge incinerators and dryers.

(iii) Heat treatment processes.

(n) Livestock and livestock handling systems from which the only potential air contaminant emission is odorous gas.

(o) Equipment for handling and drying grain on a farm.

(p) Commercial equipment used for grain unloading, handling, cleaning, storing, loading, or drying in a column dryer that has a column plate perforation of not more than 0.094 inch or a rack dryer in which exhaust gases pass through a screen filter no coarser than 50 mesh.

(q) Portable steam deicers that have a heat input of less than 1,000,000 Btus per hour.

(r) Equipment used for any of the following metal treatment processes if the process emissions are only released into the general in-plant environment:

(i) Surface treatment.

(ii) Pickling.

(iii) Acid dripping.

(iv) Cleaning.

(v) Etching.

(vi) Electropolishing.

(vii) Electrolytic stripping or electrolytic plating.

(s) Emissions or airborne radioactive materials specifically authorized pursuant to a United States nuclear regulatory commission license.

(t) Equipment for the mining, loading, unloading, and screening of uncrushed sand, gravel, soil, and other inorganic soil-like materials.

(u) Solvent distillation and antifreeze reclamation equipment that has a rated batch capacity of not more than 55 gallons.

(v) Any vapor vacuum extraction soil remediation process where vapor is treated in a control device and all of the vapor is reinjected into the soil such that there are no emissions to the atmosphere during normal operation.

(w) Air strippers controlled by an appropriately designed and operated dual stage carbon adsorption or incineration system that is used exclusively for the cleanup of gasoline, fuel oil, natural gas condensate, and crude oil spills~~.~~, provided the following conditions are met:

(x) For dual stage carbon adsorption, the first canister of the dual stage carbon adsorption is monitored for breakthrough at least once every 2 weeks and replaced if breakthrough is detected.

(ii) For incineration, a thermal oxidizer (incinerator) is operated at a minimum temperature of 1,400 degrees Fahrenheit in the combustion chamber and a catalytic oxidizer is operated at a minimum temperature of 600 degrees Fahrenheit at the inlet of the catalyst bed. A temperature indication device which continually displays the operating temperature of the oxidizer must be installed, maintained, and operated in accordance with the manufacturer's specifications.

(x) Any asbestos removal or stripping process or process equipment.

(y) Ozonization process or process equipment.

(z) Combustion of boiler cleaning solutions that were solely used for or intended for cleaning internal surfaces of boiler tubes and related steam and water cycle components if the solution burned is not designated, by listing or specified characteristic, as hazardous pursuant to federal regulations or state rules.

(aa) Landfills and associated flares and leachate collection and handling equipment.

(bb) A residential, municipal, commercial, or agricultural composting process or process equipment.

(cc) Gun shooting ranges controlled by appropriately designed and operated high-efficiency particulate filters.

(dd) Equipment for handling, conveying, cleaning, milling, mixing, cooking, drying, coating, and packaging grain-based food products and ingredients which meet any of the following:

(i) Equipment is used on a nonproduction basis.

(ii) Equipment has emissions that are released only into the general in-plant

environment.

(iii) Equipment has externally vented emissions controlled by baghouse, cyclone, rotoclone, or scrubber which is installed, maintained, and operated in accordance with the manufacturer's specifications or the owner or operator shall develop a plan that provides to the extent practicable for the maintenance and operation of the equipment in the manner consistent with good air pollution control practices for minimizing emissions. The air cleaning device shall be equipped with a device to monitor appropriate indicators of performance, for example, static pressure drop, water pressure, and water flow rate.

(ee) Open burning as specified in R 336.1310.

(ff) Fire extinguisher filling, testing, spraying, and repairing.

(gg) Equipment used for chipping, flaking, or hogging wood or wood residues that are not demolition waste materials.

(hh) A process that uses only hand-held aerosol spray cans, including the puncturing and disposing of the spray cans.

(ii) Fuel cells that use phosphoric acid, molten carbonate, proton exchange membrane, or solid oxide or equivalent technologies.

(jj) Any vacuum truck used at a remediation site as a remedial action method, such as non-emergency response, used in a manner described by any of the following:

(i) It is not used more than 2 days in a month without organic compound emission control.

(ii) It is not used more than 6 days in a month and organic compound emissions are controlled with at least 90% efficiency.

(iii) The composition of the material being removed is greater than 90% water.

(kk) Air sparging systems where the sparged air is emitted back to the atmosphere only by natural diffusion through the contaminated medium and covering soil or other covering medium.

(ll) Air separation or fractionation equipment used to produce nitrogen, oxygen, or other atmospheric gases.

(mm) Routine and emergency venting of natural gas from transmission and distribution systems or field gas from gathering lines which meet any of the following:

(i) Routine or emergency venting of natural gas or field gas in amounts less than or equal to 1,000,000 standard cubic feet per event. For purposes of this rule, an emergency is considered an unforeseen event that disrupts normal operating conditions and poses a threat to human life, health, property or the environment if not controlled immediately.

(ii) Venting of natural gas in amounts greater than 1,000,000 standard cubic feet for routine maintenance or relocation of transmission and distribution systems provided that both of the following requirements are met:

(A) The owner or operator notifies the department prior to a scheduled pipeline venting.

(B) The venting includes, at a minimum, measures to assure safety of employees and the public, minimize impacts to the environment, and provide necessary notification in accordance with the Michigan gas safety standards, the federal pipeline and hazardous materials safety administration standards, and the federal energy regulatory commission standards, as applicable.

(iii) Venting of field gas in amounts greater than 1,000,000 standard cubic feet for routine maintenance or relocation of gathering pipelines provided that both of the following are met:

(A) The owner or operator notifies the department prior to a scheduled pipeline venting.

(B) The venting includes, at a minimum, measures to assure safety of employees and the public, minimize impacts to the environment, and provide necessary notification in accordance with the Michigan department of environmental quality, office of oil, gas and minerals, and the Michigan public service commission standards, as applicable.

(iv) Emergency venting of natural gas or field gas in amounts greater than 1,000,000 standard cubic feet per event, provided that the owner or operator notifies the pollution emergency alert system within 24 hours of an emergency pipeline venting. For purposes of this rule, an emergency is considered an unforeseen event that disrupts normal operating conditions and poses a threat to human life, health, property or the environment if not controlled immediately.

(nn) Craft distillery operations if all of the following are met:

(i) Production of all spirits does not exceed 1,500 gallons per month, as produced.

(ii) Monthly production records are maintained on file for the most recent 5-year period and are made available to the department upon request.

(oo) Equipment or systems, or both, used exclusively to mitigate vapor intrusion of an indoor space that is not on the property where the release of the hazardous substance occurred, and which has an exhaust that meets all of the following requirements:

(i) Unobstructed vertically upward.

(ii) At least 12 inches above the nearest eave of the roof or at least 12 inches above the surface of the roof at the point of penetration.

(iii) More than 10 feet above the ground.

(iv) More than 2 feet above or more than 10 feet away from windows, doors, other buildings, and other air intakes.

(3) For the purposes of this rule, “meaningful” with respect to toxic air contaminant emissions is defined as follows:

(a) “Meaningful change in the quality and nature” means a change in the toxic air contaminants emitted that results in an increase in the cancer or non-cancer hazard potential that is 10% or greater, or which causes an exceedance of a permit limit. The hazard potential is the value calculated for each toxic air contaminant involved in the proposed change, before and after the proposed change, and it is the potential to emit (hourly averaging time) divided by the initial risk screening level or the adjusted annual initial threshold screening level (ITSL), for each toxic air contaminant and screening level involved in the proposed change. The adjusted annual ITSL is the ITSL that has been adjusted as needed to an annual averaging time utilizing averaging time conversion

factors in accordance with the models and procedures in 40 C.F.R §51.160(f) and Appendix W, adopted by reference in R 336.1902. The percent increase in the hazard potential is determined from the highest cancer and non-cancer hazard potential before and after the proposed change. The potential to emit before the proposed change is the baseline potential to emit established in an approved permit to install application on or after April 17, 1992, that has not been voided or revoked, unless it has been voided due to incorporation into a renewable operating permit.

(b) "Meaningful increase in the quantity of the emission" means an increase in the potential to emit (hourly averaging time) of a toxic air contaminant that is 10% or greater compared to a baseline potential to emit, or which results in an increase in the cancer or non-cancer hazard potential that is 10% or greater, or which causes an exceedance of a permit limit. The baseline is the potential to emit established in an approved permit to install application on or after April 17, 1992 that has not been voided or revoked, unless it has been voided due to incorporation into a renewable operating permit.

Editor's Note: An obvious error in R 336.1285 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register,* 2019 MR 1. The memorandum requesting the correction was published in *Michigan Register,* 2019 MR 1.

R 336.1291 Permit to install exemptions; emission units with "de minimis" emissions.

Rule 291. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any emission unit in which potential emissions meet the conditions listed in subdivisions

(a) to (d) of this subrule and table 23 for all air contaminants listed. In addition, records shall be maintained in accordance with subdivisions (e) and (f) of this subrule.

(a) The combined potential emissions of all toxic air contaminants with screening levels greater than or equal to 0.04 micrograms per cubic meter and less than 2 micrograms per cubic meter shall not exceed 0.12 tons per year.

(b) The combined potential emissions of all toxic air contaminants with screening levels greater than or equal to 0.005 micrograms per cubic meter and less than 0.04 micrograms per cubic meter shall not exceed 0.06 tons per year.

(c) The combined potential emissions of all toxic contaminants with screening levels less than 0.005 micrograms per cubic meter shall not exceed 0.006 tons per year.

(d) The emission unit has no potential emissions of asbestos and/or subtilisin proteolytic enzymes.

(e) A description of the emission unit shall be maintained throughout the life of the unit.

(f) Documentation and/or calculations identifying the quality, nature, and quantity of the air contaminant emissions are maintained in sufficient detail to demonstrate that the potential emissions are less than those listed in subdivisions (a) to (d) of this subrule and Table 23. Such documentation shall include the toxic air

contaminant screening level applicable at the time of installation and/or modification of the emission unit.

Table 23. Potential Emissions from Air Contaminants

Air Contaminant	Potential Emissions Not to be Exceeded
CO_2 equivalent	**75,000 tons per year**
CO	**10 tons per year**
NO_x	**10 tons per year**
SO_2	**10 tons per year**
VOC (as defined in R 336.1122)	**5 tons per year**
PM	**10 tons per year**
PM-10	**5 tons per year**
PM-2.5	**3 tons per year**
Lead	**0.1 tons per year**
Fluorides	**1 ton per year**
Sulfuric acid mist	**0.12 tons per year**
Hydrogen sulfide	**2 tons per year**
Total reduced sulfur	**2 tons per year**
Reduced sulfur compounds	**2 tons per year**
Total mercury	*0.12 pounds per year*
Total toxic air contaminants not listed in table 23 with any screening level	*5 tons per year*
Total air contaminants not listed in table 23 that are non-carcinogenic and do not have a screening level	*6 tons per year*

R 336.1299 ~~Adoption of standards by reference.~~

~~(1) The following standards are adopted in these rules by reference and are available as noted:~~

~~(a) "1996 TLVs and BEIs. Threshold Limit Values for Chemical Substances and Physical Agents. Biological Exposure Indices," American conference of governmental industrial hygienists. For the purposes of R336.1232, the chemical names and threshold limit values are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the~~ Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules ~~of $11.00, or from the American Conference of Governmental Industrial~~ Hygienists, 1330 Kemper Meadow Drive, Cincinnati, Ohio 45240, ~~at a cost as of~~ the time of adoption of these rules of $11.00. The American Conference of Governmental Industrial Hygienists can also be contacted on the internet at www.acgih.org, by telephone at 513-742-2020, or by email at mail@acgih.org.

~~(b) "NIOSH Pocket Guide to Chemical Hazards," national institute for occupational safety and health, June 1994. For the purposes of R336.1232, the chemical names and NIOSH-recommended exposure levels are adopted by~~

~~reference. A copy may be inspected at the Lansing office of the air quality~~ division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box ~~30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of $14.00, or from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, NTIS document PB95100368, at a cost as of the time of adoption of these rules of $14.00. The National Technical Information Service can also be contacted on the internet at www.ntis.gov or by telephone at 888584-8332.~~

~~(c) "Guidelines for Carcinogen Risk Assessment," 1986, United States Environmental Protection Agency~~, 51 F.R. pp. 33992 to 34003. Copies may be ~~obtained from the Department of Environmental Quality, Air Quality Division,~~
P.O. Box 30260, Lansing, Michigan 48909-7760, at no cost, or from CERI, ~~Office of Resource Information, United States Environmental Protection~~ Agency, ~~26 Martin Luther King Drive, Cincinnati, Ohio 45268, EPA document no. EPA~~ 600/8-87/045, at no cost.

~~(2) The following standards are adopted in these rules by reference and are available as noted. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street,~~
P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies may be obtained from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania, 152507954, at a cost as of the time of adoption of these rules (GPO price), or on the United States government printing office internet ~~web site at http://www.access.gpo.gov:~~

~~(a) The federal acid rain program, 40C.F.R. §§72.1 to 72.96 (2006), 40 C.F.R. §§74.1 to 74.61 (2006), and 40 C.F.R. §§76.1 to 76.15 (2006), AQD~~ price
~~$72.00; GPO price $62.00. When used in these federal regulations, the term "permitting authority" shall mean the department and the term "administrator" shall mean the administrator of the United States Environmental Protection Agency~~. If the provisions or requirements of 40C.F.R. §§72.1 to 72.96, 40 C.F.R.
~~§§74.1 to 74.61, or 40 C.F.R. §§76.1 to 76.15 conflict with, or are not included in, R336.1210 to R336.1218, then the 40 C.F.R. §§72.1 to 72.96 and 40 C.F.R. §§76.1 to 76.15 provisions and requirements shall apply and take precedence.~~

~~(b) The federal hazardous air pollutant regulations governing constructed or reconstructed major sources, 40 C.F.R. §§63.40 to 63.44 (2006) and 63.50 to~~
63.56 (2006), AQD price $68.00; GPO price $58.00. When used in these federal regulations, the term "permitting authority" shall mean the department and the term "administrator" shall mean the administrator of the United States Environmental Protection Agency.

~~(c) The federal compliance assurance monitoring regulations, 40 C.F.R. §§64.1 to 64.10 (2006), AQD price $39.00; GPO price $29.00. When used in~~

these federal regulations, the term "permitting authority" shall mean the department, and the term "administrator" shall mean the administrator of the United States Environmental Protection Agency.

(d) Title 40 C.F.R. §51.160(f), "Legally enforceable procedures," and appendixW, "Guideline on Air Quality Models" (2006); AQD price $55.00; GPO price $45.00.

(3) For the purpose of clarifying the definitions in these rules, the following documents are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies of the documents may be obtained from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania, 152507954, at a cost as of the time of adoption of these rules (GPO price), or on the United States government printing office internet web site at http://www.access.gpo.gov:

(a) Title 40 C.F.R. §§51.165, "Permit requirements," and 51.166, "Prevention of significant deterioration of air quality" (2006), AQD price $55.00/
$45.00 GPO price.

(b) Title 40 C.F.R., §52.21, "Prevention of Significant Deterioration of Air Quality" (2006), AQD price $70.00/$60.00 GPO price.

(c) Title 40 C.F.R., part 60, "Standards of Performance for New Stationary Sources," (2006), AQD price $68.00/$58.00 GPO price for 60.1-end and AQD price $67.00/$57.00 GPO price for the appendices.

(d) Title 40 C.F.R., part 61, "National Emission Standards for Hazardous Air Pollutants" (2006), AQD price $55.00/$45.00.

(e) Title 40 C.F.R. §63.2, "Definitions," and §63.5(b)(3), "Requirements for existing, newly constructed and reconstructed sources" (2006), AQD price $68.00/$58.00 GPO price for 63.1-63.599.

(f) Title 40 C.F.R. part 63, subpart EEE, "National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors" (2006), AQD
price $60.00/$50.00 GPO price for 63.1200-63.1439.

(g) Title 40 C.F.R. part 63, subpart LLL, "National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry" (2006), AQD price $60.00/$50.00 GPO price for 63.1200-63.1439.

(h) Title 40 C.F.R. §70.3 (2006), "Applicability," AQD price $39.00/ $29.00 GPO price for Parts 64-71.

(i) Title 40C.F.R. §70.7(g) (2006), "Reopenings for cause by EPA," AQD price $39.00/$29.00 GPO price for Parts 64-71.

(j) Title 40C.F.R. §70.8(a)(1) and (2) (2006), "Transmission of information to the Administrator," AQD price $39.00/$29.00 GPO price for Parts 64-71.

(k) Title 40C.F.R. §70.8(c) (2006), "EPA objection," AQD price $39.00/ $29.00 GPO price for Parts 64-71.

~~(l) Title 40C.F.R. §70.8(d) (2006), "Public petitions to the Administrator," AQD price $39.00/$29.00 GPO price for Parts 64-71.~~

~~(4) The ASTM methods are adopted in these rules by reference. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at the cost at the time of adoption of these rules. Copies may also be obtained from the ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959; the ASTM website at www.astm.org; or contact ASTM customer service at service@astm.org; at a cost as of the time of adoption of these rules as follows:~~

~~(a) ASTM-D-396-05, "Standard Specification for Fuel Oils," $30.00.~~

~~(b) ASTM-D-2880-03, "Standard Specification for Gas Turbine Fuel Oils," $30.00.~~

~~(c) ASTM-D-975-05, "Standard Specification for Diesel Fuel Oils," $35.00~~.

Rescinded.

ATTACHMENT D

Agency Report to the
JOINT COMMITTEE ON ADMINISTRATIVE RULES

This form must be completed by the department/agency that has the statutory authority for promulgating the rules. Please send an electronic copy of this form to the State Office of Administrative Hearings and Rules (SOAHR) at **soahr_rules@michigan.gov**. The SOAHR will review the document, the newspaper advertisements, and the corresponding rules prior to completing the legal certification of the rules. Please be sure to send to the SOAHR proofs of publication for the three newspaper advertisements required by MCL 24.242(1). You may mail them or send them as a scanned attachment.

Department

Environmental Quality

Division/agency/bureau:

Air Quality Division (AQD)

Rule set number (as assigned by SOAHR)

2004-007EQ

Title of rules:

Michigan Air Pollution Control Rules, Part 2 – Air Use Approval

1. Name, address, fax and phone numbers of agency contact person:

Mary Ann Halbeisen, Constitution Hall; Phone 517-373-7045; Fax 517-241-7499

2. Purpose for the proposed rules and background:

Rule packages SOAHR 2004-006EQ, 2004-007EQ, and 2004-054EQ contain the rules necessary to implement a complete, modern New Source Review (NSR) program that meets all federal requirements for permitting major sources in nonattainment areas. These rules were developed, together with SOAHR 2004-008EQ (which consists of rules for NSR permitting in attainment areas), for the purpose of achieving a complete NSR permitting State Implementation Plan (SIP) for Michigan. Currently, the AQD permits major sources of air pollution located in nonattainment areas through R 336.1220. R 336.1220 has been approved by the U.S. Environmental Protection Agency (EPA) into Michigan's SIP; however, it reflects federal requirements from the mid-1980's.

These rules packages adopt the most recent federal permitting requirements (40 C.F.R. §51.165). These changes are necessary to satisfy a federal mandate, because the EPA required that all states adopt these rules (that is, 40 C.F.R. §51.165) by January 2, 2006. This mandate, which is called a "SIP Call," was published in the *Federal Register* on December 31, 2002, at 67 F.R. 80186, 80240-41. The EPA could sanction Michigan for not meeting the federal mandate. Sanctions could include a moratorium on new construction in the state, a loss of federal grant funds, and a loss of federal highway funds.

These rules are the product of extensive stakeholder input. The stakeholder group consisted

mainly of members of the industrial sector and representatives of the environmental community. The first stakeholder meeting was held on March 19, 2004, and the final meeting was held on March 14, 2006. All of the proposed rules are supported by the stakeholder workgroup. Additionally, the Department of Environmental Quality's (DEQ's) Environmental Advisory Council was briefed on the rule development on June 17, 2004.

3. Summary of proposed rules:

This rule package contains the addition of 1 rule, the revision of 16 rules, and the rescission of 1 rule. The proposed new rule is R 336.1277 (Rule 277). Revisions are to R 336.1201, R 336.1202, R 336.1205, R 336.1207, R 336.1211, R 336.1214, R 336.1214a, R 336.1219, R 336.1240, R 336.1241, R 336.1278, R 336.1281, R 336.1284, R 336.1285, R 336.1288, and R 336.1299 (Rules 201, 202, 205, 207, 211, 214, 214a, 219, 240, 241, 278, 281, 284, 285, 288, and 299). The proposed rescission is R 336.1220 (Rule 220).

Rule 220 contains the AQD's current permitting rule for major sources of air pollution located in nonattainment areas. Rule 220 reflects federal permitting requirements as they existed during the early 1980s. Rule 220 is being rescinded and replaced with 2004-054EQ (Part 19) which contains rules reflecting current federal permitting requirements for major sources of air pollution located in nonattainment areas. The new rules reflect all recent changes to 40 C.F.R. §51.165. These changes were promulgated by the EPA in an effort to clarify applicability and to encourage efficiency improvements at existing permitted sources. Additionally, citations in Rules 201, 202, 205, 207, 214a, 240, and 278 have been updated to refer to Part 19.

Rules 281, 284, 285, and 288 contain new exemptions from minor source permitting requirements for facilities with very small sources of air pollution. The changes to these exemptions are as follows:

- R 336.1281; Permit to install exemptions; cleaning, washing and drying equipment.
  Rule 281(e) was changed to require that, if volatile organic compounds (VOCs) are used in the process for washing or drying the material, then the VOC vapor pressure must be less than 0.1 millimeter of mercury at standard conditions. Previously, no VOCs could be used in the process.
- R 336.1284; Permit to install exemptions; containers.
  An exemption was added under Rule 284(n) which allows the storage of methanol in a vessel that has a capacity of not more than 30,000 gallons.
- R 336.1285; Miscellaneous Exemptions
  Under Rule 285(l)(vi), graphite was added to the list of materials. Also under Rule 285(t), soil was added as a material that can be mined and screened. Additionally, a new exemption was added under Rule 285(mm) that allows for the routine and emergency venting of natural gas from transmission and distribution systems or field gas from gathering lines.
- R 336.1288; Permit to install exemptions; oil and gas processing equipment.
  Under Rule 288(b), some clarifications were made regarding the exemption for glycol dehydrators, mainly where it is located and the minimum control equipment required to meet the exemption. The clarifications were made to reflect the exemption memo requirements as they appeared in the May 27, 1997, memo as written by Dennis M. Drake, Air Quality Division Chief, at that time.

Rules 211 and 214 contain updated citations to federal requirements for the state's renewable operating permit (ROP) program.

Rule 219 is being changed back to a discretionary "requirement," because the rule was inadvertently changed in July 2003 to a mandatory requirement. This happened because a sentence was removed from the beginning of the rule that previously made it clear that, at the discretion of the owner, a notice could be submitted to the DEQ when a change in ownership or name occurred at the facility. At the request of the regulated community and also AQD district staff, it was decided to change the rule back to how it was originally intended to be.

Rules 240 and 241 adopt by reference federal modeling requirements. Rule 240 pertains to modeling required for prevention of significant deterioration and new source review for major sources in nonattainment areas. Rule 241 pertains to air quality modeling demonstrations that are required by the DEQ which are not subject to Rule 240. Modeling that falls under the requirements of Rule 241 shall follow the procedures and methods referenced in Rule 240, except for the demonstration may be based on the maximum ambient predicted concentration using the most recent calendar year of meteorological data from a representative national weather service, federal aviation administration station, or site-specific measurement station.

Rule 277 is a new rule that allows some activities at sources covered by a Plantwide Applicability Limit (PAL) to be exempt from minor source permitting requirements. Rule 277 contains provisions synchronizing the AQD's Rule 201 minor permit to install program with the new PAL provisions allowed by the federal rules and reflected in Rule 1907 of Part 19. Rule 277 will apply to sources with PALs regardless of whether the source is located in an attainment or a nonattainment area.

Rule 299 adopts by reference a number of documents. Several new documents are being adopted by reference in the rules and these adoptions have been added to Rule 299.

4. Name of newspapers and date of publication in newspapers (minimum 3 newspapers of general circulation, representing different parts of the state, one of which must be located in the Upper Peninsula):

The notice was published November 16, 2006, in the following newspapers:
Lansing State Journal
Grand Rapids Press
Pontiac Oakland Press
Marquette Mining Journal

5. Time, date, location and duration of public hearing:

December 20, 2006; 10:00-10:35 a.m.; Constitution Hall, 525 West Allegan Street, Lansing

6. **Date of publication of rules and public hearing notice in *Michigan Register:***

November 15, 2006

7. Agency representative(s) attending hearing (include agency name and title of representative[s]):

The following attended from the Michigan Department of Environmental Quality:

Bryce Feighner, Supervisor, Chemical Process Unit, Permit Section, AQD
Lynn Fiedler, Supervisor, Permit Section, AQD
Mary Ann Halbeisen, Administrative Rules Coordinator, AQD
Marion Hart, Supervisor, Administration Section, AQD
Jeffrey Rathbun, Engineer, Permit Section, AQD
Holly Gohlke, Environmental Quality Analyst, Water Bureau
James Ostrowski, Environmental Quality Analyst, Environmental Science and Services

8. Names, organizations and (complete) addresses of persons attending the hearing:

Kent Evans, Director, Air Quality Services, Consumers Energy, 1945 West Parnell Road, Jackson, MI 49201
Mike Johnston, Director of Regulatory Affairs, Michigan Manufacturers Association, 620 Capitol Avenue, Lansing, MI 48933
Angela Riess, Michigan Department of Agriculture, 525 West Allegan Street, Lansing, MI 48933

9. Persons submitting letters, comments and testimony of support:

Julie C. Becker, Alliance of Automobile Manufacturers, 1401 Eye Street, NW, Suite 900, Washington, DC 20005-6562
Kent Evans, Director, Air Quality Services, Consumers Energy
Kathryn R. Ross, Consumer Energy
Mike Johnston, Director of Regulatory Affairs, Michigan Manufacturers Association
Kent Evans on behalf of Michigan Natural Gas Coalition

10. Persons submitting letters, comments and testimony of opposition:

Patricia A. Perry
Jaime Long
Nancy Chrivia

11. Summary of suggestions to modify proposed rules:

General

Comment: Five comments were received generally supportive of the proposed rule changes with a few exceptions noted below.

AQD Response: The AQD has revised the rules in response to comments received, and the revised rules are dated January 18, 2007.

R 336.1277 (Rule 277)
Comment: The Alliance of Automobile Manufacturers and Michigan Manufacturers Association commented that Rule 277 goes beyond the federal standard, and they appreciate the agency's intent to make this a state only enforceable provision and not including it in the SIP.

AQD Response: Rule 277 is intended to be a state only rule and it will not be submitted to the EPA as a SIP revision.

R 336.1285(t) (Rule 285)
Comment: Rule 285(t) is a permit to install exemption for equipment for the mining and screening of uncrushed sand and gravel. Consumers Energy suggested that the language in Rule 285(t) be amended, because the company routinely uses bottom-ash material in the construction of ash disposal landfills and roadways. The proposed permit to install language would ensure that Consumers could continue to utilize the bottom-ash material for construction purposes and affords consideration of the beneficial re-use of the material, which would otherwise be a waste product.

AQD Response: The AQD agrees with this suggestion, and the language in Rule 285(t) has been changed to read as follows:

> "Equipment for the mining and screening of uncrushed ~~native~~ sand, gravel**,** ~~and~~ soil, **and other inorganic soil-like materials**."

R 336.1285(mm) (Rule 285)
Comment: Rule 285(mm) is a new exemption for the venting of field gas or natural gas. The Michigan Natural Gas Coalition (MNGC) suggested that the AQD change the language in Rule 285(mm) to allow the reporting of routine (scheduled) gas venting just after such an event occurs.

AQD Response: The AQD's intention has always been that notifications for routine gas venting must be prior to the venting of gas in amounts greater than 1,000,000 standard cubic feet. The initial language proposed said the owner or operator had to notify the AQD district supervisor **at least 72 hours prior to a scheduled pipeline venting.** The MNGC requested that the language be changed to read that the owner or operator had to notify the AQD district supervisor **within 72 hours** of a scheduled pipeline venting.

It was stressed that AQD must be informed about a scheduled event **prior** to the event so that district staff would be prepared in case calls about the venting were received from the public. Ultimately, the language ended up being changed to "…the owner or operator notifies the department prior to a scheduled pipeline venting" (dropped the 72 hours), because the main concern was that the AQD be notified **prior to** the scheduled venting.

AQD does not agree with the requested changes to the Rule 285(mm) exemption.

Comment: Patricia Perry of Lewiston commented that she was opposed to venting of gas wells and lines.

AQD Response: The Air Pollution Control Rules dictate that the release of any air contaminant requires a permit to install. Natural gas and field gas meet the definition of an air contaminant

under the rules. Currently, there is no existing Air Pollution Control Rule that exempts the venting of natural gas or field gas from the requirement to obtain a permit to install.

Venting of natural gas is regulated by the Michigan Public Service Commission, the United States Department of Transportation, and the Federal Energy Regulatory Commission. Venting of field gas is regulated by the Michigan Department of Environmental Quality, Office of Geological Services, and the Michigan Public Service Commission. The industry also has owner or operator's construction and maintenance practices in place to ensure safety and minimize emissions.

The AQD has determined that existing government regulations adequately deal with safety and minimize air quality impacts from these venting activities.

Comment: Jaime Long and Nancy Chrivia were opposed to Rule 285(mm) and requested that the AQD move the hearing to Gaylord or at least somewhere closer to Gaylord.

AQD Response: The AQD had advertised the public hearing on 35 rules in four newspapers on November 16, 2006. A majority of the rules affected the southeastern part of Michigan, so holding the hearing in Lansing was a more central location. Moving the hearing just eight days before the hearing would have been very costly and most likely would have delayed the hearing and the rules process. Therefore, the AQD proceeded with holding the hearing in Lansing as scheduled. Every effort was made to accommodate the citizens in providing them with the hearing documentation and taking their written comments.

Name of person completing this report:

Mary Ann Halbeisen

Date report completed:

January 31, 2007

Agency Report to the
JOINT COMMITTEE ON ADMINISTRATIVE RULES

This form must be completed by the department/agency that has the statutory authority for promulgating the rules. Please send an electronic copy of this form to the Office of Regulatory Reinvention (ORR) at **orr@michigan.gov**. The ORR will review the document, the newspaper advertisements, and the corresponding rules prior to completing the legal certification of the rules. Please be sure to send to the ORR proofs of publication for the three newspaper advertisements required by MCL 24.242(1). You may mail them or send them as a scanned attachment.

Department

Environmental Quality

Division/agency/bureau:

Air Quality Division

Rule set number (as assigned by ORR)

2012-107 EQ

Title of rules:

Part 2 – Air Use Approval

1. Name, address, FAX and phone numbers of agency contact person:

Mary Maupin, 517-373-7039, maupinm@michigan.gov Constitution Hall, 525 West Allegan Street, 3rd Floor North, Lansing, Michigan 48933; fax 517-241-7499

2. Purpose for the proposed rules and background:

Rule 201 addresses permits to install and the revision to Rule 201(4) provides for putting a hold on the 18-month construction window if the permit issuance has been appealed.

Rule 206 addresses processing of applications for permits to install. The revisions will require the AQD to act on all permit to install applications within 180 days of receipt, unless public participation is required, in which case a 240-day deadline will be required. Extensions to these deadlines will be granted with mutual consent of both the applicant and the Department of Environmental Quality.

3. Summary of proposed rules:

The Rule 201(4) revision would grant more time to commence construction with an approved permit to install when the permit has been appealed by a third party.

The Rule 206 revision would require agency action on permit to install applications

sooner than prior requirements. Action would be tied to the date of receipt of the application rather than date of application completeness. An extension would be allowed, limited by federal requirements.

4. Name of newspapers and date of publication in newspapers (minimum 3 newspapers of general circulation, representing different parts of the state, one of which must be located in the Upper Peninsula):

Lansing State Journal, May 14, 2013 Oakland Press, May 14, 2013 The Mining Journal, May 14, 2013

5. Time, date, location and duration of public hearing:

June 13, 2013, 1:00 – 2:00 p.m., Lillian Hatcher Conference Room, Constitution Hall, 525 West Allegan Street, Lansing, Michigan.

6. **Date of publication of rules and public hearing notice in *Michigan Register:***

June 1, 2013 – Issue #9-2013

7. Agency representative(s) attending hearing (include agency name and title of representative[s]):

DEQ, AQD staff: Vince Hellwig - Division Chief, Mike Jackson - Division Administration Supervisor, Mary Maupin – SIP Unit Supervisor (acting), Cari DeBruler – Division Rules Coordinator

8. Persons submitting letters, comments and testimony of support:

Matthew Hall, Consumers Energy

9. Persons submitting letters, comments and testimony of opposition:

None

10. Summary of suggestions to modify proposed rules:

None

Name of person completing this report:

Cari DeBruler

Date report completed:

June 21, 2013

Consumers Energy
Count on Us

A CMS Energy Company

Environmental Services

June 13, 2013

Ms. Cari DeBruler
Air Quality Division
Michigan Department of Environmental Quality
P.O. Box 30260
Lansing, MI 48909

Re: Consumers Energy Comments on the AQD's Proposed Revisions to the Part 2 Air Use Approval Rules (ORR 2012-107 EQ)

Consumers Energy appreciates the opportunity to submit comments on the Michigan Department of Environmental Quality – Air Quality Division's (MDEQ-AQD's) proposed revisions to the Part 2 Air Use Approval Rules.

Consumers Energy is very supportive of the MDEQ-AQD's implementation of the recommendations contained in the Office of Regulatory Reinvention's (ORR) Final Report, dated December 23, 2011. The ORR Final Report was developed with strong stake-holder involvement and has gubernatorial support. Consumers Energy was an active participant in the ORR Final Report development as a member of the Environmental Advisory Rules Committee and is currently assisting the MDEQ-AQD's implementation of the ORR recommendations as a member of the Air Advisory Council.

Consumers Energy notes that the proposed revisions to state administrative rules R 336.1201(4) (Rule 201(4)) and R 336.1206 (Rule 206) coincide with ORR recommendations A-20 and A-4, respectively. As such, we whole-heartedly support the proposed revisions to Rule 201(4) and Rule 206.

Please contact me at (517) 788-2231 or matthew.hall@cmsenergy.com with any questions regarding this letter.

Sincerely,

Matthew D. Hall
Sr. Environmental Planner
Environmental Services Department
Consumers Energy Company

cc: Linda Hilbert, Manager, Environmental Services Department
Scott Sinkwitts, Esq., Consumers Energy

1945 W. Parnall Road • Jackson, MI 49201 • Fax: 517 788 1064 • www.consumersenergy.com

Michigan Department of Licensing and Regulatory Affairs
Office of Regulatory Reinvention
611 W. Ottawa Street; 2nd Floor, Ottawa Building
Lansing, MI 48909
Phone: (517) 335-8658 FAX: (517) 335-9512

Agency Report to the
JOINT COMMITTEE ON ADMINISTRATIVE RULES

This form must be completed by the department/agency that has the statutory authority for promulgating the rules. Please send an electronic copy of this form to the Office of Regulatory Reinvention at **orr@michigan.gov**. The ORR will review the document, the newspaper advertisements, and the corresponding rules prior to completing the legal certification of the rules. Please be sure to send to the ORR proofs of publication for the three newspaper advertisements required by MCL 24.242(1). Please send them as a scanned attachment.

Department:
Department of Environmental Quality (DEQ)

Division/agency/bureau:
Air Quality Division (AQD)

Rule set number (as assigned by ORR):
2014-153 EQ

Title of rules:
Part 1: General Provisions

1. Name, address, FAX and phone numbers of agency contact person:

Ms. Erica Wolf
DEQ, AQD
P.O. Box 30260
Lansing, Michigan 48909-7760
Phone: 517-284-6766 Fax: 517-241-7499

2. Purpose for the proposed rules and background:

The purpose of these rule revisions is to address rule recommendations made by the Office of Regulatory Reinvention's (ORR) Environmental Advisory Rules Committee (ARC). The recommendations are in the December 23, 2011, report titled "Recommendations of the Office of Regulatory Reinvention Regarding Environmental Regulations," and pertain to the air toxics and permit exemption rules. The revisions also include the removal of obsolete dates, corrected citations, updated provisions to be consistent with federal requirements, clarification of permit exemptions, and moving adoptions by reference to another rule section.

3. Summary of proposed rules:

R 336.1101 – amendments
R 336.1102 – amendments & additions
R 336.1103 – amendments
R 336.1106 – amendments
R 336.1107 – amendments
R 336.1108 – amendments
R 336.1109 – amendments & additions
R 336.1112 – amendments
R 336.1113 – amendments
R 336.1114 – amendments
R 336.1115 – amendments & additions
R 336.1116 – amendments
R 336.1118 – amendments
R 336.1119 – amendments
R 336.1120 – amendments & additions
R 336.1121 – additions
R 336.1122 – amendments & additions
R 336.1123 – amendments
R 336.1127 – amendments

4. Name of newspapers and date of publication in newspapers (minimum 3 newspapers of general circulation, representing different parts of the state, one of which must be located in the Upper Peninsula):

The Mining Journal, Marquette, Michigan, October 26, 2015
Lansing State Journal, Lansing, Michigan, October 26, 2015
Oakland Press, Oakland County, Michigan, October 26, 2015

5. Time, date, location, and duration of public hearing:

December 7, 2015, 3:00 pm – 5:00 pm and 7:00 pm
Constitution Hall, ConCon Conference Rooms A&B, Atrium Level
525 West Allegan Street, Lansing, Michigan 48909

6. **Date of publication of rules and public hearing notice in *Michigan Register:***

November 15, 2015 – Issue No. 20-2015

7. **Provide the link the agency used to post the regulatory impact statement on its website*:***

http://w3.lara.state.mi.us/orr/Rules.aspx?type=Number&id=R 336.1101

8. Agency representative(s) attending hearing (include agency name and title of representative[s]):

Lynn Fiedler, AQD, Division Chief
Mike Jackson, AQD, Administration Section Supervisor, Hearings Officer
Cari DeBruler, AQD, Rules Liaison
Barb Rosenbaum, AQD, Air Quality Evaluation Section Supervisor
Robert Sills, AQD, Toxics Unit Supervisor
Mary Maupin, AQD, State Implementation Plan Unit Supervisor
Tracey McDonald, AQD, Environmental Engineer
Mark Mitchell, AQD, Thermal-Chemical Process Unit Supervisor
Lorraine Hickman, AQD, Secretary
Doreen Lehner, AQD, Toxicologist
Mike Depa, AQD, Toxicologist
Keisha Williams, AQD, Toxicologist
Joy Taylor Morgan, AQD, Environmental Quality Specialist
Erica Wolf, AQD, Environmental Quality Analyst
Kaitlyn Leffert, AQD, Environmental Quality Analyst

9. Persons submitting letters, comments, and testimony of support:

Rob Rouse, The Dow Chemical Company
Matthew Hall, Consumers Energy
John Dulmes, Michigan Chemistry Council
Gregory L. Ryan, DTE Energy

10. Persons submitting letters, comments, and testimony of opposition:

Paul Bjornstad
Anna Kornoelje, Kalamazoo Nature Center
Gina Maksimchuk
Stephanie Chang, Michigan State Representative, District 6
James Clift, Michigan Environmental Council
Judy Karandjeff, League of Women Voters
Alexis Blizman, Ecology Center
Charlotte Jameson, Michigan League of Conservation Voters
Stephanie Karisny, Great Lakes Environmental Law Center
Wes Raymond, Citizens for Alternatives to Chemical Contamination
Anne Woiwode, Sierra Club – Michigan Chapter
Margaret Weber, Zero Waste Detroit
Detroiters Working for Environmental Justice
Patrice Flower
Victoria Gamble
Margaret Smith
Katherine Scott
Kelly Thayer

Duane DeVries
Christine Gardner
Gail Walter
Kate Upton
Keith Cooley
Lucy Reese, Kalamazoo Nature Center
Diane Miller

The following persons were looking for clarification and/or updates only:
Stuart Batterman
Genevieve Damico, United States Environmental Protection Agency, Region 5
Rifino Valentine, Valentine Distilling Company

11. Summary of suggestions to modify proposed rules:

General Comments

Comment: Some commenters supported the proposed changes which increase clarity and reduce regulatory burden on industry while maintaining the overall robustness of the program. Many states do not have their own state air toxics programs, regulate only the federal hazardous air pollutants list, or regulate significantly fewer chemicals. It is important for Michigan to provide a regulatory regimen that protects public health and does not impose unnecessary burdens on the regulated community that puts Michigan at a competitive disadvantage. These rule changes address the recommendations of the ORR and the AQD's Air Toxics Workgroup, and will provide an improved process for AQD review of permit to install applications. This improved process should reduce the number of hours for both AQD staff and permit applicants to process permit applications while still protecting public health. AQD staff would continue to be able to set emission limits that are protective of public health.
DEQ Response: The DEQ agrees that the proposed changes to the Part 1 and 2 rules were developed via a cooperative, collaborative process involving stakeholder workgroups. The DEQ agrees that its rules should not impose unnecessary burdens on the regulated community, and the proposed rule changes would have reduced that burden in numerous ways. However, the DEQ must also evaluate the adequacy of the assurances of public health protection imparted by the rules. The public comment process as well as the stakeholder process raised such concerns with two specific proposals. The DEQ has decided to proceed with most of the proposed rule changes to improve and clarify the rules and reduce the burden on the regulated community, with the exception of two proposals which received significant negative comments: the proposed elimination of the default screening level of 0.1 micrograms per cubic meter (ug/m^3) in R 336.1232(1)(i), and, the proposed new criteria for inclusion of chemicals on the Toxic Air Contaminant (TAC) list which would have resulted in a defined TAC list in R 336.1120(f).

Comment: Some commenters were disappointed that the DEQ did not hold a public hearing in Southeast Michigan regarding these proposed rule changes. Given the heavy industry and corresponding air pollution, they believe it would have been reasonable to have a public hearing there.
DEQ Response: The DEQ agrees that public hearings provide an important opportunity for the

public to provide comments to the DEQ on the proposed rule changes. The public was also able to submit comments by mail or email, as many did. For proposals that apply statewide, such as these proposed rule changes, the DEQ has traditionally held a public hearing in Lansing, in order to provide reasonably equal accessibility to citizens throughout the state. When the DEQ receives requests to hold additional hearings at various additional dates and locations, we must weigh the merits of the requests against the resources involved in holding additional hearings around the state. In this particular case, the DEQ declined to hold additional hearings as the public comment period was 54 days (from October 26, 2015 to December 18, 2015), which is significantly longer than our typical the 30-day comment period.

Comment: The proposed changes will result in the emission of toxic chemicals that have not been properly reviewed and result in a significant increase in costs to the department for permits which are issued at no cost to the person or company emitting the pollution. We request the department withdraw these rule changes and make the suggested changes before proceeding.
DEQ Response: After carefully considering all of the public comments received, the DEQ has decided not to proceed with two proposals that received significant negative comments: the proposed elimination of the default screening level of 0.1 ug/m^3 in R 336.1232(1)(i), and the proposed new criteria for inclusion of chemicals on the TAC list which would have resulted in a defined TAC list in R 336.1120(f). For further details on those decisions, please refer to the other comments and responses. The DEQ has decided to proceed with other proposed changes that will improve the regulatory program, and modify the proposals in these two areas in response to public comment and reconsideration.

Comment: Unless DEQ is monitoring for the various substances the facilities are emitting, how can we know for certain that the facilities are emitting at the levels they indicate in their permits? If we lack the information on those substances in the surrounding communities, what preventable harm could we be doing to our communities? The answer seems to be that we do not know.
DEQ Response: The DEQ evaluates permit applications and issues permits with conditions that ensure that the health protective requirements of the rules are met and that the specific permit conditions are enforceable. Staff performs compliance checks on permittees, evaluates facility data including emissions testing, and responds to citizen's complaints and concerns, to ensure compliance. Ambient air monitoring is performed by DEQ at specific locations in Michigan to evaluate overall air quality, but unfortunately it is not practical to operate ambient air monitors at all locations. The DEQ's decision to not proceed with the proposal to eliminate the default screening level in R 336.1232(1)(i) or the proposal to restrict the regulated TACs to a defined list under R 336.1120(f) will presumably help address the commenter's concerns.

Comment: One comment was received expressing concern if Part 1 and Part 2 are not promulgated together, since Part 1 definitions without corresponding changes in Part 2 might increase confusion.
DEQ Response: It is not the intention of the Department to proceed with the promulgation of Part 1 rules without the corresponding Part 2 rules.

<u>Comments on Specific Rule Language</u>

Comment: R 336.1120(f): Many commented that this is a proposal to deregulate those

chemicals that have not been found to cause cancer and are less toxic than other chemicals, but which can still have impacts on public health. This ignores the question of quantity and deregulates a chemical based solely on its toxicity, even though the potential impact on health is also driven by the quantity of the chemical emitted. These chemicals being deregulated have a wide variety of impacts including respiratory impacts and links to liver or kidney diseases. This change is contrary to the science behind protecting people from the impacts of toxic chemicals. This also ignores the bioaccumulation that multiple unregulated and untested air toxics can have on a community. Under this proposed change in the regulation, the level of review by the DEQ will be reduced. In the past an applicant had to demonstrate through computer models or other methods that their emissions did not pose a risk. This change eliminates that comprehensive review. This has the potential to result in greater conflict between industrial facilities and adjoining residents, and greater community resistance to new factories proposed in their communities. There is concern that DEQ may no longer be relied upon to honestly inform residents living near industrial facilities that the air they breathe is safe – only that the permit application had the right answers to gain approval. This will have the greatest impact on communities with the highest concentration of industrial facilities and toxic air emissions, which tend to have below-average income and have a greater likelihood to be communities of color; this will place these communities at even greater risk. This seems dangerous and irresponsible. The proposal shows a complete and utter disregard for the health of everyone. These changes fail to protect the health of Michigan families. DEQ should fulfill its primary mission of protecting public health.

DEQ Response: The DEQ has decided not to proceed with two proposals which received significant negative comments: the proposed elimination of the default screening level of 0.1 micrograms per cubic meter (ug/m^3) in R 336.1232(1)(i), and the proposed new criteria for inclusion of chemicals on the TAC list which would have resulted in a defined TAC list in R 336.1120(f). The DEQ AQD agrees that its primary mission is protecting the air quality and the public health. An essential part of that mission is being able to assure the public that their health is protected. This is also important to the regulated community. For two proposals that received significant negative public comment, the DEQ believes that the existing rules and not the proposed changes best serve that purpose. The existing rules require an assessment of emissions under an open-ended TAC definition, rather than a defined list as proposed, and by assigning a "default" health protective screening level of 0.1 ug/m^3 in the absence of adequate chemical-specific toxicity data. The DEQ believes that the proposed changes for these two controversial issues may have also been health protective if implemented fully by permit applicants and DEQ staff. However, these proposed changes could have resulted in some potential regulatory review gaps in actual practice, and based on the comments received, would have significantly eroded the public's confidence in the DEQ's ability to provide the public with assurance of public health protection. Therefore, no changes to R 336.1120(f) language are included in this rules package, except for the addition of the proposed exemption for plant and animal materials used in food products or dietary supplements. No comments were received on the proposed exemption.

Comment: R 336.1120(f): There is an unclear basis for the ITSL criteria specified for each of the averaging times. These levels may be excessive for some toxics. Also, it is surprising that the value for the 1 hour averaging time (300 ug/m^3) is relatively low because a higher concentration would be expected for a shorter averaging time. These levels may be excessive for

some toxics.
DEQ Response: As indicated above, the DEQ has decided not to proceed with these proposed criteria for listing substances as Toxic Air Contaminants in R 336.1120(f). The proposed criteria were developed by the DEQ and the AQD's Air Toxics Workgroup as 75th percentile values of the distribution of the existing screening levels, for each averaging time.

Comment: R 336.1120(f): The proposed change would bring efficiency and transparency to the state's review of potential air emissions. Our state's regulation of over 1,200 toxic air contaminants is vastly out of step with federal rules and other states' air programs, as was confirmed by the DEQ's 50-state review. Michigan's current overbroad regulatory approach imposes additional costs on both permittees and the DEQ, and makes Michigan uncompetitive with our neighboring states. With the proposed streamlining, companies would still disclose all emissions when applying for a permit, but DEQ staff would not be required to automatically review those emissions deemed to be of minimal risk. Chemicals are being taken off the list because of the DEQ's own assessment that regulation of these compounds is no longer necessary or appropriate because of low toxicity, absence of evidence of their toxicity, or because they are no longer used. Companies must still disclose all emissions when applying for a permit. The DEQ would still retain the authority to review and limit any emission on a case-by-case basis if it is deemed to present risks. Michigan's air toxics program would still be among the strongest state standards in the nation. These changes would bring better regulatory balance to the state's air toxics program.
DEQ Response: The DEQ's review of other state air toxics regulatory programs revealed a wide range of the states' program requirements. Of the 50 states, 29 states were found to routinely perform air toxics risk assessment and regulate air toxics in Permits to Install. Of the remaining 21 states, many had a "safety net" provision authorizing case-specific risk assessment and emission restrictions if justified for public health protection. The DEQ is currently one of eight states' regulatory agencies that utilize an "open-ended" definition of the air toxics routinely addressed via risk assessment in Permits to Install. The proposal to change the DEQ's approach to a defined TAC list would have been similar to 21 other states. The commenter is correct that the proposal would have retained DEQ's ability to evaluate unlisted chemicals and restrict emissions if justified to ensure public health protection. However, in order for the proposed approach to ensure public health protection equally as well as the current approach, the DEQ would have had to ensure that all air contaminant emissions were rigorously identified and evaluated as appropriate, whether they were listed as TACs or not. The DEQ concedes that this good intention may have proven to be challenging in the future. And, the DEQ received significant negative public comments on this proposal, indicating that the public's perception of the DEQ's ability to reassure them that the permitting process is public health protective would be significantly diminished under the proposal. That negative perception was not the intention of the DEQ or the stakeholder workgroups that have assisted the DEQ in developing the proposal, and it would not be beneficial to the regulated community. For these reasons, the DEQ has decided not to proceed with the proposed R 336.1120(f) change in the TAC definition including criteria that would have resulted in a defined TAC list. The DEQ will retain the current open-ended definition of TACs. The DEQ will proceed with one proposed change to the R 336.1120(f) exemptions to the TAC definition, by adding an exemption for animal and plant materials used in food products or dietary supplements. No comments were received on that specific proposal.

Comment: R 336.1120(f): A commenter stated that the Department has not conducted a study of the health or safety benefits of the rules, which was a part of the Executive Order that prompted the review of the air toxics rules. In addition, the Michigan Environmental Protection Act, Section 324.1705(2) states that approval shall not be given to proceedings which are likely to cause pollution or impairment of the air, if there is a feasible and prudent alternative. In this case the department conducted no assessment of the potential health and safety risks that could be presented by deregulating over 500 toxic chemicals in Michigan.
DEQ Response: The commenter did not explicitly state what part or rule to which this comment applied. However, based on the overall context of the complete set of comments from this commenter, the DEQ believes that the comment pertains to the proposed change in the definition of toxic air contaminants, R 336.1120(f). Therefore, this comment is addressed in other Responses to Comments on R 336.1120(f). With regard to the applicability of the Michigan Environmental Protection Act requirements, the point appears to be moot because the DEQ has decided not to proceed with the proposed change to a defined list of Toxic Air Contaminants.

Comment: R 336.1120(f): The proposed definition of TAC partly depends on the criteria for the level of the ITSL. The DEQ's definition of ITSL states that it applies to TACs. Therefore, the definition of TAC is circular.
DEQ Response: The DEQ agrees with the commenter that the proposal would need clarification of this point, if the DEQ were to proceed with adopting the applicable part of the proposed rule change. However, because the DEQ is not proceeding with this proposed part of the rule change, the point becomes moot.

Comment: R 336.1120(f): The proposal allows for the potential emission of carcinogens, because the only way to determine carcinogenicity is by toxicity testing and the rule includes no requirements to test chemicals.
DEQ Response: The commenter is correct that the proposal did not include requirements to test for carcinogenicity. However, the term "carcinogen" as defined in R 336.1103(c) relies upon the level of evidence of carcinogenic effects and is therefore an evidence-based finding and not just a theoretical possibility. Because the DEQ is not proceeding with most of the proposed changes to the TAC definition, we believe that this point is moot.

Comment: R 336.1120(f): If the proposed rule changes are adopted, then permit applicants that have to screen and model for TACs should be required to go through the relatively easy task of screening and modeling for all chemicals emitted. Also, for non-TACs, the DEQ should establish a maximum emission threshold based on the toxicological data to ensure that it will not be emitted at a rate which may be injurious to local residents. The proposed changes to the TAC definition creates greater burden on the DEQ to check if proposed emissions of non-TACs are toxic in each scenario and to monitor the levels. The permit applicant should be doing that; their Permit to Install application is free to them and lasts forever.
DEQ Response: The DEQ has decided to not proceed with two proposals which received significant negative comments: the proposed elimination of the default screening level of 0.1 ug/m^3 in R 336.1232(1)(i), and, the proposed new criteria for inclusion of chemicals on the TAC list which would have resulted in a defined TAC list in R 336.1120(f).

Name of person completing this report:

Cari DeBruler

Date report completed:

March 4, 2016

Michigan Department of Licensing and Regulatory Affairs
Office of Regulatory Reinvention
611 W. Ottawa Street; 2nd Floor, Ottawa Building
Lansing, MI 48909
Phone: (517) 335-8658 FAX: (517) 335-9512

Agency Report to the
JOINT COMMITTEE ON ADMINISTRATIVE RULES

This form must be completed by the department/agency that has the statutory authority for promulgating the rules. Please send an electronic copy of this form to the Office of Regulatory Reinvention at **orr@michigan.gov**. The ORR will review the document, the newspaper advertisements, and the corresponding rules prior to completing the legal certification of the rules. Please be sure to send to the ORR proofs of publication for the three newspaper advertisements required by MCL 24.242(1). Please send them as a scanned attachment.

Department:

Department of Environmental Quality (DEQ)

Division/agency/bureau:

Air Quality Division (AQD)

Rule set number (as assigned by ORR):

2014-154 EQ

Title of rules:

Part 2: Air Use Approval

1. Name, address, FAX and phone numbers of agency contact person:

Mr. Robert Sills
DEQ, AQD
P.O. Box 30260
Lansing, Michigan 48909-7760
Phone: 517-284-6763 Fax: 517-241-7499

2. Purpose for the proposed rules and background:

The purpose of these rule revisions is to address three recommendations made by the Office of Regulatory Reinvention's (ORR) Environmental Advisory Rules Committee (ARC). The recommendations are identified as A-1, A-3, and A-14 in the December 23, 2011, report titled, "Recommendations of the Office of Regulatory Reinvention Regarding Environmental Regulations" and pertain to the air toxics and permit exemption rules. The revisions also reflect the removal of obsolete dates, corrected citations, updated provisions to be consistent with federal requirements, clarification of permit exemptions, and the movement of adoptions by reference to another rule section.

3. Summary of proposed rules:

R 336.1201 – amendments

R 336.1201a – amendments
R 336.1202 – amendments
R 336.1203 – amendments
R 336.1205 – amendments
R 336.1206 – amendments
R 336.1207 – amendments
R 336.1208a – rescinded
R 336.1209 – amendments
R 336.1210 – amendments & additions
R 336.1211 – amendments & additions
R 336.1212 – amendments & additions
R 336.1213 – amendments
R 336.1214 – amendments
R 336.1214a – amendments
R 336.1215 – amendments & additions
R 336.1216 – amendments
R 336.1217 – amendments
R 336.1218 – amendments
R 336.1219 – amendments
R 336.1224 – amendments & additions
R 336.1225 – amendments
R 336.1226 – amendments & additions
R 336.1227 – amendments
R 336.1228 – amendments & additions
R 336.1229 – amendments
R 336.1230 – amendments & additions
R 336.1231 – amendments & additions
R 336.1232 – amendments & additions
R 336.1233 – new rule
R 336.1240 – amendments
R 336.1241 – amendments
R 336.1277 – amendments
R 336.1278 – amendments
R 336.1278a – amendments
R 336.1280 – amendments & additions
R 336.1281 – amendments & additions
R 336.1282 – amendments & additions
R 336.1283 – amendments & additions
R 336.1284 – amendments & additions
R 336.1285 – amendments & additions
R 336.1286 – amendments & additions
R 336.1287 – amendments & additions
R 336.1288 – additions
R 336.1289 – amendments & additions
R 336.1290 – amendments & additions
R 336.1291 – new rule

R 336.1299 – rescinded

4. Name of newspapers and date of publication in newspapers (minimum 3 newspapers of general circulation, representing different parts of the state, one of which must be located in the Upper Peninsula):

The Mining Journal, Marquette, Michigan, October 26, 2015
Lansing State Journal, Lansing, Michigan, October 26, 2015
Oakland Press, Oakland County, Michigan, October 26, 2015

5. Time, date, location, and duration of public hearing:

December 7, 2015, 3:00 pm – 5:00 pm and 7:00 pm
Constitution Hall, ConCon Conference Rooms A&B, Atrium Level
525 West Allegan Street, Lansing, Michigan 48909

6.* Date of publication of rules and public hearing notice in *Michigan Register:

November 15, 2015 – Issue No. 20-2015

7.* Provide the link the agency used to post the regulatory impact statement on its website*:

http://w3.lara.state.mi.us/orr/Rules.aspx?type=Number&id=R 336.1201

8. Agency representative(s) attending hearing (include agency name and title of representative[s]):

Lynn Fiedler, AQD, Division Chief
Mike Jackson, AQD, Administration Section Supervisor, Hearings Officer
Cari DeBruler, AQD, Rules Liaison
Barb Rosenbaum, AQD, Air Quality Evaluation Section Supervisor
Robert Sills, AQD, Toxics Unit Supervisor
Mary Maupin, AQD, State Implementation Plan Unit Supervisor
Tracey McDonald, AQD, Environmental Engineer
Mark Mitchell, AQD, Thermal-Chemical Process Unit Supervisor
Lorraine Hickman, AQD, Secretary
Doreen Lehner, AQD, Toxicologist
Mike Depa, AQD, Toxicologist
Keisha Williams, AQD, Toxicologist
Joy Taylor Morgan, AQD, Environmental Quality Specialist
Erica Wolf, AQD, Environmental Quality Analyst
Kaitlyn Leffert, AQD, Environmental Quality Analyst

9. Persons submitting letters, comments, and testimony of support:

John Dulmes, Michigan Chemistry Council
Bill Lievense, Foundry Association of Michigan
Gregory L. Ryan, DTE Energy
Matthew D. Hall, Consumers Energy
Andrew Such, Michigan Manufacturers Association

10. Persons submitting letters, comments, and testimony of opposition:

Paul Bjornstad
Anna Kornoelje, Kalamazoo Nature Center
Gina Maksimchuk
Stephanie Chang, Michigan State Representative, District 6
James Clift, Michigan Environmental Council
Judy Karandjeff, League of Women Voters
Alexis Blizman, Ecology Center
Charlotte Jameson, Michigan League of Conservation Voters
Stephanie Karisny, Great Lakes Environmental Law Center
Wes Raymond, Citizens for Alternative to Chemical Contamination
Anne Woiwode, Sierra Club – Michigan Chapter
Margaret Weber, Zero Waste Detroit
Detroiters Working for Environmental Justice
Patrice Flowers
Victoria Gamble
Margaret Smith
Katherine Scott
Kelly Thayer
Duane DeVries
Christine Gardner
Gail Walter
Kate Upton
Keith Cooley
Lucy Reese, Kalamazoo Nature Center
Diane Miller
The AQD received over 1900 postcards from Michigan residents and 2195 total in opposition.

The following persons were looking for clarification and/or updates only:
Stuart Batterman
Kory Groetsch, Michigan Department of Health and Human Services

11. Summary of suggestions to modify proposed rules:

General Comments

Comment: Some commenters supported the proposed rule changes which increase clarity and reduce regulatory burden on industry while maintaining the overall robustness of the program.
DEQ Response: The DEQ agrees and is proceeding with most of the proposed rule changes to improve and clarify the rules and reduce the burden on the regulated community. The notable exceptions include two proposals which received significant negative comments: the proposed elimination of the default screening level of 0.1 micrograms per cubic meter (ug/m^3) in R 336.1232(1)(i) and the proposed new criteria for inclusion of chemicals on the Toxic Air Contaminant (TAC) list in R 336.1120(f) which would have resulted in a defined TAC list. While the DEQ agrees with the comment that the robustness of the program should be retained, the DEQ determined the program would have been significantly diminished by proceeding to adopt these two proposals.

Comment: One commenter expressed concern if Part 1 and Part 2 are not promulgated together, since Part 1 definitions without corresponding changes in Part 2 might increase confusion.
DEQ Response: It is not the intention of the DEQ to proceed with the promulgation of Part 1 rules without the corresponding Part 2 rules.

Comment: Four commenters submitted written comments in support of the changes being made to the exemptions. A variety of reasons are cited including: these modifications increase the clarity of the exemptions, proposed changes make the exemptions more useful, and the changes will improve processes between the regulated community and the AQD. Two commenters also point out that these proposed changes are the result of extensive effort on behalf of stakeholders, while another stated the changes are long overdue and will result in a better working relationship with the United States Environmental Protection Agency (USEPA).
DEQ Response: The DEQ agrees and appreciates the participation of numerous stakeholders in the preparation of these revisions.

Comments on Specific Rule Language

Comment: R 336.1228: One commenter stated that the ORR Environmental report of 2011 recommended that R 336.1228 be rescinded because it allows AQD to go beyond the requirements of the rule for any reason. The proposed rule changes were developed collaboratively through the AQD's Air Toxics Workgroup, so the rule will be retained and improved by including the additional proposed language on how the AQD shall utilize data to perform evaluations of health impacts on a case-by-case basis.
DEQ Response: The DEQ agrees.

Comment: R 336.1230: Some commenters agreed with the proposed increase in transparency of the TAC and screening level list; any proposed additions or revisions would be considered by an open, stakeholder process allowing public comment and input from all stakeholders. The DEQ should be more transparent, including in rules language; explanations should be plainer and clearer.

DEQ Response: The DEQ agrees that increased transparency is needed. Therefore, a formal public comment process for the health-based screening levels is being adopted. However, as previously stated, the DEQ is not proceeding to establish a defined TAC list and thus has dropped references to public comment on such a list from proposed revisions to R 336.1230. The DEQ will provide notice of the initial list of established screening levels and accept comments. This notice will occur within 60 days of the effective date of R 336.1230(2) rather than the proposed 30 days, to enable staff sufficient time to prepare the screening level documentation for posting for public comment. This additional time is necessary because this initial posting will include many more TACs (approximately 1200) than the proposed defined TAC list (approximately 700). In R 336.1230(3), the DEQ will also provide notice of any additions or changes to the screening levels and accept comments. Those additions or changes will be applicable to permit application review even before the public notice and comment process is completed so that permitting will not be delayed.

Comment: R 336.1231(2)(b): One commenter stated that it should be clarified that the USEPA (2005) guidance referred to consists of two discrete guidance documents: the 2005 Guidance for Carcinogen Risk Assessment, and the 2005 Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens. Both of these are noted in Rule 902(2)(b), but are listed in **R 336.1231(2)(b)** in a way that implies that they are a single document when they are actually two documents.
DEQ Response: The DEQ agrees and has made the clarification in R 336.1231(2)(b).

Comment: R 336.1231(2)(c): One commenter stated that the title of the USEPA dosimetric adjustment guidance should be clarified, as it correctly appears in Rule 902(2)(d).
DEQ Response: The DEQ agrees and has made the clarification in R 336.1231(2)(c).

Comment: R 336.1232(1)(b): One commenter stated that this rule derives an initial threshold screening level from an oral reference dose, but it does not account for potentially greater toxicity of a compound via inhalation without the absorption and detoxification processes of ingested contaminants. The commenter suggests at a minimum that an uncertainty factor be used, of an order of 10 to 100.
DEQ Response: The commenter is correct that route-to-route (oral to inhalation) extrapolation of toxicity findings is not always appropriate. The DEQ does so only after thorough consideration of the chemical-specific issues including "first-pass" effects of metabolism and whether adverse effects would be anticipated in the respiratory system. The United States Environmental Protection Agency (USEPA) guidance (http://www.epa.gov/risk/methods-derivation-inhalation-reference-concentrations-and-application-inhalation-dosimetry) discusses the appropriateness of using oral data to derive an inhalation based Reference Concentration (RfC). Additional uncertainty factors are not the preferred method of addressing this concern.

Comment: R 336.1232(1)(c): One comment was received stating the rule should list the reference "TLVs and BEIs. Threshold Limit Value for Chemical Substances and Physical Agents, and Biological Exposure Indices" instead of the reference "American conference of governmental and industrial hygienists threshold limit value booklet." Also, the reference to the ACGIH guide should be changed to match the actual title.
DEQ Response: The DEQ agrees with this comment and R 336.1232(1)(c) has been changed to

reflect the correct references.

Comment: R 336.1232(1)(i): Many comments stated that under the proposal, industrial facilities will be allowed to emit chemicals that have not been tested for their impact on human health, including cancer. This makes Michigan families the equivalent of guinea pigs. The company using the chemical should bear the burden of demonstrating it is safe before emitting it into the air we breathe. This change fails to protect the public health of Michigan families. Under current regulations, state regulators can credibly tell residents they have looked at the public health aspects of a proposal and there is a demonstration that it will be safe for the community. If the proposal is adopted, regulators would have no basis to claim they have thoroughly examined the toxic chemicals impact on local residents. The proposal to deregulate chemicals for which no health or safety data exists goes against our knowledge of toxic chemicals. The current program, at least, creates a presumption that an untested chemical is fairly toxic. This proposal will have the greatest impact on communities with the highest concentration of industrial facilities and toxic air emissions, which tend to have below-average income and have a greater likelihood to be communities of color; this will place these communities at even greater risk.
DEQ Response: The DEQ has decided not to proceed with the proposed elimination of the default screening level of 0.1 ug/m^3 in R 336.1232(1)(i). For air contaminants that have not been tested for toxicity to provide even the minimal amount of data needed to establish a screening level, the default screening level is a long-standing DEQ science policy option that provides a presumptive level of protection. When faced with inadequate toxicity data, the alternative policy options would be to not allow any emission, which is impractical, or to not have any regulatory limit. The DEQ received many comments that the proposal to eliminate the default screening level and have no regulatory limit is unacceptable and lends to at least the appearance, and also possibly the reality, that the public health is not being protected. Therefore the DEQ will retain the default screening level approach to help provide assurance that the public health is protected when Permit to Install applications are reviewed and approved. Therefore, no change has been made to the current R 336.1232(l)(i) language.

Comment: R 336.1232(1)(i): Several commenters stated that for chemicals that have not been tested for health impacts, the DEQ should retain the current requirement, require applicants to demonstrate that they cannot eliminate the emission of the untested chemical, and require the permittee to either perform health testing or eliminate the emission within two years.
DEQ Response: As indicated previously, the DEQ has decided to retain the current default screening level requirement. The DEQ believes that this is a public health protective approach, and that the additional suggested steps are not necessary and would be burdensome to permit applicants. It has been, and will continue to be, an option for permit applicants to provide the DEQ with toxicity studies in order to support chemical-specific screening levels and a departure from default screening levels.

Comment: R 336.1233(1)(a): One commenter stated that the title of the USEPA guidance document on the benchmark dose should be clarified, as it correctly appears in R 336.1902(2)(d).
DEQ Response: The DEQ agrees and has made the clarification in R 336.1233(1)(a).

Comment: **R 336.1285(2)(w)(B)** and **R 336.1290(2)(b)(i)**: Three commenters requested the same flexibility for control devices as is proposed in R 336.1287(2)(c)(ii) and (iii) be included in

R 336.1285 and R 336.1290. R 336.1287 contains proposed language that allows owners and operators to develop a maintenance plan in lieu of manufacturer's specifications. They stated that this is sometimes a necessity as manufacturer's specifications don't always exist or are not available. They also expressed support for the proposed R 336.1287 changes.
DEQ Response: R 336.1287 is addressing control of primarily particulate sources. The commenter incorrectly cited R 336.1287(2)(c)(iii); it appears the commenter meant to reference R 336.1287(2)(d). R 336.285(2)(w)(B) and R 336.1290(2)(b)(i) address VOC emissions. Improper operation of a VOC control device is not easily detectable through alternative means. Deviating from manufacturer recommendations, such as reducing the temperature in a thermal oxidizer in R 336.1290(2)(b)(i), could result in higher emissions. The same could occur with improper operation of a monitoring device as described in R 336.1285(2)(w)(B). Therefore, operating control or monitoring equipment outside of manufacturer established parameters should undergo review by DEQ staff as part of the permitting process.

Comment: **R 336.1285(2)(dd)(iii)**, **R 336.1287(2)(c)(ii), R 336.1287(2)(d), and R 336.1290(2)(b)(ii)**: Three commenters requested the same flexibility for control devices as is proposed in R 336.1287(2)(c)(ii) and (iii) be included in R 336.1285 and R 336.1290. R336.1287 contains proposed language that allows owners and operators to develop a maintenance plan in lieu of manufacturer's specifications. They stated that this is sometimes a necessity as manufacturer's specifications don't always exist or are not available. They also expressed support for the proposed R 336.1287 changes.
DEQ Response: R 336.1287 is addressing control of primarily particulate sources. The commenter incorrectly cited R 336.1287(2)(c)(iii); it appears the commenter meant to reference R 336.1287(2)(d). Improper operation of a particulate control device is reasonably detectable through opacity, fallout, and evaluation of material collected. Therefore, DEQ will add "or the owner or operator shall develop a plan that provides to the extent practicable for the maintenance and operation of the equipment in a manner consistent with good air pollution control practices for minimizing emissions" to R 336.1285(2)(dd)(iii) and R 336.1290(2)(b)(ii). As a result of this comment, the use of the word "maintenance" to describe the plan in R 336.1287(2)(c)(ii) and R 336.1287(2)(d) was found to be confusing and has been deleted.

Comment: **R 336.1285(2)(jj)(ii)**: Three commenters observed that a strict interpretation of the exemption would indicate the control device must be exactly 90% efficient. This implies emission controls with higher than 90% efficiency would not be exempt.
DEQ Response: R 336.1285(2)(jj)(ii) has been reworded to clarify that controls can be greater than 90% efficient and still qualify for exemption.

Comment: **R 336.1290:** One commenter requested clarification whether or not CO_2 equivalent should be considered an air pollutant with regards to R 336.1290 thresholds.
DEQ Response: R 336.1290 applies to all air contaminants; therefore CO_2 equivalent should be evaluated. However, inclusion of CO_2 equivalent without a threshold would make the usefulness of R 336.1290 limited for some source types. Therefore, for clarity we are now explicitly including it in response to this comment. The threshold for CO_2 equivalent included in R 336.1290(2)(a)(ii) is consistent with the threshold in R 336.1291 and USEPA regulations.

Comment: **R 336.1290**: A commenter requested paragraph R 336.1290(2)(a)(ii)(A) be removed

as it is redundant. A second comment requested the word "total" be added throughout the rule, as appropriate to provide clarification. Finally, the commenter asks for clarifying language changes regarding the use of "carcinogenic" and "non-carcinogenic," stating there is potential for confusion when chemicals have multiple screening levels.
DEQ Response: DEQ agrees that paragraph R 336.1290(a)(ii)(A) is redundant and has removed it in order to simplify the rule and enhance understanding. The word "total" has been added in numerous locations for clarification and the words "carcinogenic" and "non-carcinogenic" have been replaced with "toxic" or "toxic air contaminants" as appropriate. This will clarify that the rule uses screening levels determined by the DEQ as a method for evaluation. However, making this clarification does not sufficiently clarify the appropriate threshold for lead emissions, because lead is a carcinogen but does not have a screening level. Therefore, the same lead emission threshold (0.1 tons per year; 16.7 pounds per month) that is in R 336.1291 is also reasonable and appropriate to apply in R 336.1290 to clarify the application of the rule for lead emissions and has been added as a new subrule, R 336.1290(2)(a)(ii)(E).

Comment: **R 336.1291:** One commenter stated that Table 23 provides limits for lead, fluorides, hydrogen sulfide, total reduced sulfur, reduced sulfur compounds, total mercury, and total TAC not listed in Table 23 (two categories). The commenter believes these emission rates are too high and have the potential to adversely affect health and/or the environment. The commenter also states that the basis for these limits is not specified and the rule does not appear to consider cumulative impacts including deposition.
DEQ Response: These thresholds are based on a combination of values established by the USEPA in the Tribal New Source Review (NSR) Program and the DEQ air toxics program. A similar list of exemptions in the Tribal NSR program was used as a model for R 336.1291. When drafting this rule, DEQ staff performed their own evaluation on the USEPA thresholds and chose to reduce the sulfuric acid mist value, as well as expand the number of restrictions by adding the TAC and mercury thresholds. These additional restrictions were determined by using R 336.1290 limitations and toxic impact analyses. R 336.1292(a)-(c) addresses cumulative impacts of pollutants with screening levels. Criteria pollutants, such as lead, do not have a cumulative standard. Table 23, in combination with R 336.1292(a)-(d), would result in allowing emissions similar to those emissions already allowed by R 336.1290, with regards to the mentioned air contaminants. The potential for lead and mercury deposition was also considered, however it was determined the stringent thresholds and restrictions in the rule would be protective for inhalation exposure as well as deposition impacts. One significant difference from the R 336.1290 exemption is that R 336.1291 uses potential emissions rather than actual emissions, which is a more conservative threshold.

Comment: **R 336.1291:** Two commenters gave support specifically for R 336.1291.
DEQ Response: This new rule was the result of a recommendation by the ORR Environmental Advisory Rules Committee.

Comment: **R 336.1291:** One commenter suggested wording be edited to clarify if R 336.1291 applies to an activity or to an emission unit. A second related comment was a reminder that the DEQ will have to supply the USEPA with a Clean Air Act Section 110(l) demonstration to show this exemption does not result in backsliding from the currently approved State Implementation Plan.

DEQ Response: Michigan's Permit to Install exemptions should all be applied with a two-step evaluation process. First, the facility wishing to install equipment needs to quantify air emissions from the activity as a whole. Per R 336.1291(1), collective air emissions from this new activity must be compared against restrictions described in R 336.1278. This prohibits staged construction. Secondly, each emission unit within that activity must adhere to thresholds described in R 336.1291(2). This ensures individual emission unit emissions are relatively small emitters. This two-step method of evaluation is true for all exemption Rules 280-291. When the rule is submitted to the USEPA for approval into Michigan's SIP, a Section 110(l) demonstration will be provided that demonstrated no backsliding is expected to occur. More information will be submitted at that time.

Comment: **R 336.1291:** Two comments were received regarding the greenhouse gas CO_2 equivalent threshold in Table 23 of the rule. The commenter felt the restriction is not necessary due to recent court decisions.
DEQ Response: The recent court cases the commenter may be referring to address a CO_2 equivalent threshold for major source applicability. This exemption specifically addresses Rule 201 permitting requirements. CO_2 equivalent is considered an air contaminant and therefore is still subject to permitting.

Comment: **NEW:** One commenter suggested a new exemption, as follows:
Craft distillery operations if all of the following are met:
(a) Production of all spirits does not exceed 1,500 gallons per month, as produced.
(b) Monthly production records are maintained on file for the most recent 5-year period and are made available to the Air Quality Division upon request.
DEQ Response: The DEQ agrees and has added this as new subdivision R 336.1285(2)(nn).

Name of person completing this report:
Cari DeBruler

Date report completed:
March 10, 2016

State Budget Office
Office of Regulatory Reinvention
111 S. Capitol Avenue; 8th Floor, Romney Building
Lansing, MI 48933
Phone: (517) 335-8658 FAX: (517) 335-9512

AGENCY REPORT TO THE JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete and submit this form electronically to the Office of Regulatory Reinvention (ORR) at **orr@michigan.gov**.

1. Agency Information:

Agency name:	Department of Environmental Quality
Division/Bureau/Office:	Air Quality Division
Name, title, phone number, and e-mail of person completing this form:	Trace McDonald, Environmental Engineer 517-284-6756 mcdonaldt@michigan.gov
Name of Departmental Regulatory Affairs Officer reviewing this form:	David Fiedler

2. Rule Set Information:

ORR assigned rule set number:	2017-068 EQ
Title of proposed rule set:	Part 2. Air Use Approval

3. Purpose for the proposed rules and background:

Four changes are being made to the Part 2 rules, one correction of a typographical error, two exemptions from toxics reviews, and one new permit to install exemption.

Two rule changes exempt small natural gas burning sources with specified stack parameters from having to evaluate health-based screening levels or Best Available Control Technology for Toxics (T-BACT). This is done to streamline the permitting process for these small and well characterized sources. These exemptions mirror a variance issued by the Air Quality Division (AQD) for several years. This variance had the same effect.

A new permit to install exemption was created as an agreement between the MDEQ Remediation and Redevelopment Division and the AQD to address an issue involving vapor intrusion mitigation. The installation of any vapor mitigation system is subject to AQD rules, and thus must obtain a permit to install from the AQD. Without an exemption, mitigation efforts can be delayed while the proper permits are issued, increasing exposure time to the building residents. In addition, the potential number of air use permit applications for this purpose could overwhelm AQD resources. These sources are considered insignificant with regards to the ambient air, so an exemption addresses the aforementioned issues.

4. Summary of proposed rules:

R 336.1212(3)(c) contains a typographical error that is proposed to be corrected.

R 336.1224 and R 336.1226 exempts up to 50,000 cubic feet per hour natural gas burning sources from the T-BACT and health-based screening level portion of the permitting review process when they utilize a vertical and unobstructed stack that is at least 1.5 times the height of the building.

R 336.1285(oo) exempts from permitting vapor intrusion mitigation systems that vent indoor spaces on properties where hazardous substance releases did not occur but are affected by migration of contamination. The stack from the mitigation system must also meet multiple requirements in the rule in order to use the exemption.

5. List names of newspapers in which the notice of public hearing was published and publication dates (attach copies of affidavits from each newspaper as proof of publication).

Lansing State Journal, August 16, 2018
Oakland Press, August 16, 2018
The Mining Journal, August 16, 2018

6. Date of publication of rules and notice of public hearing in *Michigan Register:*

September 1, 2018

7. Time, date, location, and duration of public hearing:

September 12, 2018, 9:00 a.m. – 10:03 a.m., Ruth Butler Conference Room, Constitution Hall, 525 West Allegan Street, South Tower, 2nd Floor, Lansing, MI 48933

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website*:*

http://dmbinternet.state.mi.us/DMB/DTMBORR/Rules.aspx?type=Number&id=R 336.1201

9. List of the name and title of agency representative(s) attending public hearing:

Mary Ann Dolehanty, Division Director/Decision Maker, AQD
Linda Korobka, Environmental Quality Analyst/Hearing Officer, AQD
Cari DeBruler, Division Rules Liaison, AQD
Trace McDonald, Environmental Engineer/Agency Contact, AQD

10. Persons submitting comments of support:

None.

11. Persons submitting comments of opposition:

None.

State Budget Office
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111 S. Capitol Avenue; 8th Floor, Romney Building
Lansing, MI 48933
Phone: (517) 335-8658 FAX: (517) 335-9512

12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments Made at Public Hearing	Written Comments	Agency Rationale for Change	Rule Number & Citation Changed
1.					
2.					
3.					
4.					

13. Date report completed:

September 27, 2018

ATTACHMENT E

Attachment E

The following summary of each rule provides dates for the most recent SIP approval and dates of changes in the rules in Michigan since that approval. It also discusses the potential for changes in the emission profile based on those rule changes and their effect on Michigan's ability to achieve and maintain the National Ambient Air Quality Standards (NAAQS).

EGLE is seeking approval of the following rules (and modifications to already approved rules) into Michigan's State Implementation Plan. Several rules (listed below) were modified to correct grammar, citations, or update language, while others have more substantial changes that require a more detailed analysis to assess their impact on Michigan's air quality. The following rules are discussed.

Part 1

Rule 101(q) **Rule 103(aa)**

Part 2

Rule 201a	**Rule 202**	**Rule 203**	**Rule 206**	**Rule 207**	**Rule 209**
Rule 212	**Rule 214a**	**Rule 216**	**Rule 219**	**Rule 220**	**Rule 240**
Rule 241	**Rule 278**	**Rule 285**	**Rule 291**	**Rule 299**	

Special Note : Grammatical and other minor changes
Many changes made to these rules are considered minor and will have no impact on emissions, attainment status or regulated entities. An example of a minor wording change is switching the word "which" to "that." Many rule citation changes involve updating a rule reference from "R 336.1299" to "R 336.1902." SIP approval of Rule 336.1902 was requested in a submittal to EPA dated February 7, 2017, with a supplemental submittal dated November 8, 2017. A more detailed explanation of the citation changes is contained in those submittals. All changes are shown in the strike bold version of the rules in Attachment C. In the following rule by rule descriptions, this note will be referred to when minor changes such as those described above are used.

- **R 336.1101(q) Definition of "Aqueous based parts washer."**
  History: Never SIP Approved; newly promulgated 12/20/2016 (2014-153EQ)

  110(l): In 1980, the AQD promulgated several rules addressing emissions from "cold cleaners," including a definition. Over the years, these rules have been approved into Michigan's SIP. During that time, for reasons such as employee exposure, waste handling and air emissions, facilities have reduced the use of solvents in cold cleaners. Many now use water-based cleaning solutions, but with some that may still contain small amounts of solvent. Because of the low solvent content of the solution, and therefore the greatly reduced level of potential emissions, facilities have requested to be relieved of the requirement to operate the equipment using "best practices" required in Part 6 and 7 rules, when very little VOC is in the solution to begin with. This definition creates a new category of equipment based on a low VOC content of the solution being utilized. The AP-42 emission factor (Table 4.6-2.) for cold cleaners is 0.08 pounds per hour per square foot ($lb/hr/ft^2$). This yields a maximum of 3.5 tons per year emissions from a typical (10 ft^2) solvent based surface area cold cleaner. This figure describes the potential emissions from a 100% VOC solution, therefore an aqueous based parts washer with no more than 5% solvent content would emit 1/20th or less of this maximum potential. Conversely, the equipment could be 20x larger and emit the same 3.5 tons per year. It should also be noted this maximum quantity of emissions is unlikely given more typical lower VOC content levels in these solutions. This modification should cause no impact on the emissions of a source, any effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements.

- **R 336.103(aa) Definition of "Cold cleaner."**
  History: SIP approved version promulgated on 3/8/2008; state modified 12/20/2016 (2014-153EQ)

  110(l):The definition of cold cleaner is changed in two ways. As discussed above, the first change creates a threshold for the VOC content of the solvent used in the cold cleaner. That threshold is 5% or more, by weight, which can now be used to determine the difference between a cold cleaner and an aqueous based parts washer (discussed above). This change creates a clear delineation between the two pieces of equipment. R 336.1611, R 336.1613, R 336.1707, and R 336.1709 are rules that use the phrase "cold cleaner" and require best practices to reduce VOC emissions for equipment containing solutions with a VOC content larger than 5%. The second change is to now include plastic or metal/plastic parts instead of only metallic objects and should have no more emissions than a metallic-only cleaner. Reducing the applicability of cold cleaner best practices for equipment with low VOC content solutions and allowing products with plastic to be cleaned with these devices should cause no/minor impacts on the emissions of a source, no effect on Michigan's NAAQS attainment status, and no backsliding on achieved improvements, and incentivizes facilities to reduce solvent content in cold cleaners to below this 5% threshold.

- **R 336.1201a General permits to Install.**
  History: SIP approved version promulgated on 7/1/2003; state modified 12/20/2016 (2014-154EQ)

  110(l): There were several minor changes as described in the special note above. This modification should cause no impact on the emissions of a source, any effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements.

- **R 336.1202 Waivers of approval.**
  History: SIP approved version promulgated on 6/20/2008; state modified 12/20/2016 (2014-154EQ)

  110(l): There were several minor changes as described in the special note above in addition to a small reorganization of some language in the rule made to improve clarity. This modification should cause no impact on the emissions of a source, any effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements.

- **R 336.1203 Information required.**
  History: SIP approved version promulgated on 7/1/2003; state modified 12/20/2016 (2014-154EQ)

  110(l): There was a minor change as described in the special note above. This modification should cause no impact on the emissions of a source, any effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements.

- **R 336.1206 Processing of applications for permits to install.**
  History: SIP approved version promulgated on 7/1/2003; state modified on 10/28/2013 (2012-107EQ) and 12/20/2016 (2014-154EQ)

  110(l): Changes extend the time frame for the Air Quality Division (AQD) to act on a complete permit to install application. This modification should cause no impact on the emissions of a source, any effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements.

- **R 336.1207 Denial of permits to install.**
  History: SIP approved version promulgated on 6/20/2003; state modified 12/20/2016 (2014-154EQ)

  110(l): There were several minor changes as described in the special note above. This modification should cause no impact on the emissions of a source, any effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements.

- **R 336.1209 Use of old permits to limit potential to emit.**
  History: SIP approved version promulgated on 7/26/1995; state modified 12/20/2016 (2014-154EQ)

  110(l): There were several minor changes as described in the special note above. This modification should cause no impact on the emissions of a source, any effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements.

- **R 336.1212 Administratively complete applications; insignificant activities; streamlining applicable requirements; emissions reporting and fee calculations.**
  History: SIP approved version promulgated on 7/1/2003; state modified 12/20/2016 (2014-154EQ) and 1/2/2019 (2017-068EQ); however, changes are irrelevant.

  110(l): EGLE is requesting that this rule be removed from the SIP, as the rule pertains to our Title V Renewable Operating Permit program.

- **R 336.1214a Consolidation of permits to install within renewable operating permit**
  History: Never SIP Approved; promulgated 7/1/2003 (2002-004EQ), state modified 6/20/2008 (2004-007EQ) and 12/20/2016 (2014-153EQ)

  110(l): EGLE is requesting that this rule be added to the SIP. However, subrule (5) refers specifically to state only rules and EGLE is requesting that it not be included in the approval.

- **R 336.1216 Modifications to renewable operating permits.**
  History: SIP approved version promulgated on 7/1/2003; state modified 12/20/2016 (2014-154EQ); however, changes did not affect this request.

  110(l): EGLE is requesting that this rule be removed from the SIP, as the rule pertains to our Title V Renewable Operating Permit program.

- **R 336.1219 Amendments for change of ownership or operational control.**
  History: SIP approved version promulgated on 6/20/2008; state modified 12/20/2016 (2014-154EQ)

  110(l): There were several minor changes as described in the special note above. This modification should cause no impact on the emissions of a source, any effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements. EGLE is also requesting that subrule (2) be removed from the SIP as it pertains to our Title V Renewable Operating Permit program rules.

- **R 336.1220 Rescinded. (**formerly **– Construction of major offset sources and major offset modifications proposed for location within nonattainment areas.)**
  History: SIP approved version promulgated on 8/21/1981; state rescinded 6/20/2008 (2004-007EQ)

  110(l): Rule 220 was the predecessor of Michigan's SIP approved Part 19 rules that address nonattainment sources. This one rule was replaced/expanded to six rules in Part 19 based on guidance and federal regulations provided by EPA for offset permitting. This modification should cause no impact on the emissions of a source, any effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements.

- **R 336.1240 Required air quality models.**
  History: SIP approved version promulgated on 6/20/2008; state modified 12/20/2016 (2014-154EQ)

  110(l): There were several minor changes as described in the special note above. This modification should cause no impact on the emissions of a source, any effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements.

- **R 336.1241 Air quality modeling demonstration requirements.**
  History: SIP approved version promulgated on 6/20/2008; state modified 12/20/2016 (2014-154EQ)

  110(l): There was a minor change as described in the special note above. This modification should cause no impact on the emissions of a source, any effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements.

- **R 336.1278 Exclusion from exemption.**
  History: SIP approved version promulgated on 6/20/2008; state modified 12/20/2016 (2014-154EQ)

  110(l): There were several minor changes as described in the special note above. This modification should cause no impact on the emissions of a source, any effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements.

- **R 336.1285(2)(oo) Permit to install exemptions; miscellaneous.**
  History: SIP approved version promulgated on 12/20/2016; state modified 1/2/2019 (2017-068EQ). This exemption is a new subrule.

  110(l): 285(2)(oo): Language was added to exempt small sources of VOC emissions from vapor intrusion (VI) extraction systems located in buildings NOT on sites where the original contamination occurred. Emissions data from existing systems in the state of Michigan were provided by EGLE remediation staff. Data from 34 point sources ("stacks") from approximately 27 structures at residential, commercial, and industrial sites around Michigan were gathered.

  The quantity of VOC's being released from a qualifying VI mitigation system are insignificant as defined by Rule 336.1119 (less than 40 tons per year of VOCs). The maximum monthly VOC emissions in this analysis were under 40 lbs per month, and likely decrease significantly over time. The average VOC emissions were approximately 4.5 lbs/month based on PID data. Even when maximum emission rates and conservative scenarios are considered, emissions from residential mitigations would not exceed 40 tons per year and would not trigger a Rule 278 exclusion. Therefore, Total VOC emissions do not warrant further consideration.

- **R 336.1291 Permit to install exemptions; emission units with "de minimis" emissions**
  History: Never SIP Approved; newly promulgated 12/20/2016 (2014-153EQ)

  110(l): R 336.1291 is a new rule for the SIP that allows exemptions for units with de minimis emissions. This rule was a result of stakeholder requests for a rule similar to the rule for minor new source review adopted for Indian Country (40 CFR Part 49, Subpart C), also called the "tribal rule."

  With one exception, all the limits of R 336.1291 are equal to or less than those allowed in the tribal rule. There are also several additional restrictions not found in the tribal rule, including greenhouse gases, mercury, toxics, municipal solid waste combustors, landfills, and sulfuric acid mist. These additional restrictions address the fact that the State of Michigan has an Air Toxics Program that assesses ambient impacts. The tribal rule does not address air toxics. Therefore, it was necessary to expand the requirements of this exemption to limit toxic air contaminants based on state screening levels for consistency with the state's air toxics program.

  The most important difference between R 336.1291 and the tribal rule is that the tribal rule threshold emission values are based on an area's attainment status, while R 336.1291 has a single value for each pollutant. EGLE concluded that one set of thresholds should be used regardless of the attainment status. It was rationalized there are currently few nonattainment areas in the state. Most areas would use the attainment values listed in the recommendation. Implementing a threshold that varied with attainment status for sources all over Michigan would be difficult, particularly with an installation based permitting program. Also, limits in Rule 291 are based on potential emissions and are only slightly higher than those allowed by Rule 290, a de minimis exemption based on actual emissions. Generally, potential emissions often exceed actual emissions as many facilities do not run 24 hours a day, 7 days a week. Rule 290 emission limits are SIP approved.

  Feedback from industry indicates R 336.1291 is often being used in place of R 336.1290 to avoid monthly recordkeeping requirements. This indicates that the emissions allowed under both rules are similar, otherwise the rules would often not be interchangeable. In other instances, R 336.1291 is being used in remediation

installations because of its air toxics limits. (Emissions from some remediations are not allowed under R 336.1290 due to screening levels.)

This new exemption should have minimal impacts on the overall emissions of a source, and no effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements.

Note: R 336.1291 contains a few subrules and emission limits that EGLE would like to request be omitted from SIP approval as they are part of Michigan's toxics program. They are subrule (2)(a) through (2)(d) and the emission limits in Table 23 listed as "Total Mercury," "Total toxic air contaminants not listed in Table 23 with any screening level," and "Total air contaminants not listed in table 23 that are non-carcinogenic and do not have a screening level."

- **R 336.1299 Rescinded (**formerly **Adoption of standards by reference.)**
  History: SIP approved version promulgated on 6/20/2008; state modified 6/8/2012 (2010-035EQ) then rescinded 12/20/2016 (2014-154EQ)

  110(l): All of the references contained in this rule has been moved to R 336.1902. These modifications should have no impacts on the emissions of a source, and no effect on Michigan's NAAQS attainment status, or any backsliding on achieved improvements.

Rule 299 (SIP approved version 2004-007)	Rule 902 (SIP Approved version 2015-079EQ)	Conclusion	If not in SIP rule, Rule / Program
1(a)	902(6)	Not used in SIP rule	232 / Toxics
1(b)	902(7)	Not used in SIP rule	232 / Toxics
1(c)	902(2)(f)	Not used in SIP rule	229, 231 / Toxics
2(a)	902(1)(q)(r)(t)	Not used in SIP rule and/or submitted 12/2020	213 / Title V
2(b)	902(1)(j)(k)(l)(m)(n)	Submitted 12/2020	N/A
2(c)	902(1)(o)	Submitted 12/2020	N/A
2(d)	902(1)(b)(ii) and (viii)	Submitted 12/2020	N/A
3(a)	902(1)(b)(iii) and (iv)	Submitted 12/2020	N/A
3(b)	902(1)(c)	Submitted 12/2020	N/A
3(c)	902(1)(e)	Submitted 12/2020	N/A
3(d)	902(1)(g)	Submitted 12/2020	N/A
3(e)	902(1)(i)	Submitted 12/2020	N/A
3(f)	902(1)(k)	Submitted 12/2020	N/A
3(g)	902(1)(k)	Submitted 12/2020	N/A
3(h)	902(1)(p)(i) / (o)*	Not used in SIP rule	214, 215 / Title V
3(i)	902(1)(p)(ii) / (o)(iv)*	Not used in SIP rule	214 / Title V
3(j)	902(1)(p)(iii) / (o)(v)*	Not used in SIP rule	214 / Title V
3(k)	902(1)(p)(iv) / (o)(vi)*	Not used in SIP rule	214, 216[1] / Title V
3(l)	902(1)(p)(v) / (o)(vii)*	Not used in SIP rule	214 / Title V
4(a)	902(4)(d)	Submitted 12/2020	N/A
4(b)	902(4)(i)	Submitted 12/2020	N/A
4(c)	902(4)(g)	Submitted 12/2020	N/A

* renumbered

[1] Request to remove Rule 216 from SIP in this submittal